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HANSARD'S PARLIAMENTARY DEBATES.

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

23 & 24 VICTORIÆ, 1860.

VOL. CLX.

COMPRISING THE PERIOD FROM

THE TWENTY-THIRD DAY OF JULY, 1860,

TO

THE TWENTY-EIGHTH DAY OF AUGUST, 1860.

Fifth and last Volume of the Session.

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HANSARD'S

PARLIAMENTARY DEBATES

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1837 & 34 VOLUME 1, 1860

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HANSARD'S PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE EIGHTEENTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 31 MAY, 1859, AND THENCE CONTINUED
TILL 24 JANUARY, 1860, IN THE TWENTY-THIRD YEAR OF THE
REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIFTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, July 23, 1860.

MINUTES.] PUBLIC BILLS.—1^a Party Emblems (Ireland); Highways (South Wales); Prisons (Scotland); Herring Fisheries (Scotland); Railways Act (Ireland) (1851) Amendment.

2^a Nuisances Removal and Diseases Prevention; Oxford University (No. 2.)

3^a Criminal Lunatic Asylum; Court of Queen's Bench Act Amendment; Inclosure (No. 2.)

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FRIENDLY SOCIETIES ACT, 1858.

PETITION.

PRIVATE BILLS AND BUSINESS OF THE HOUSE.—RESOLUTIONS OF 1846.

LORD BROUGHAM *presented* petitions from various Courts of the Ancient Order of Foresters Friendly Society, and from the Bury District of the Independent Order of Odd Fellows, of the Manchester Unity Friendly Society, who represented an im-

mense number of Friendly Societies all over the country, and who complained of a clause in the Friendly Societies Act of 1858, wholly altering the constitution of Friendly Societies in the most important particular of winding up and the distribution of their funds. The clause in question was never mentioned in the House of Commons, and no notice was taken of the subject till the Bill reached their Lordships' House. The Bill was reported without Amendments, and on the Report an Amendment of a most extraordinary character was added to it. By the Consolidated Act of 1855 great care was taken of the whole matter of winding up and dissolving, and the 13th section, to which the petitioners referred, required that no Friendly Society should be dissolved without the consent of five-sixths of the members. It laid down the manner in which the vote should be taken most minutely, detailing the regulations for the purpose of preventing surprise or fraud. Even where the consent of five-sixths was obtained to the dissolution and winding up the appropriation of the funds was restricted to the purposes of the society—evidently a most just, a most fit, an absolutely necessary condition. But what did the clause in the Act of 1858 provide? Why,

that only one-fourth of the members of a society might present a memorandum to any actuary who had been five years connected with an Insurance Company, who was then to consider the subject, and, if he chose, was to wind up and dissolve, it was expressly said, without any regard to the requirements of the 13th section of the Act of 1855; so that members who had paid only two years and six months or three years might have the funds distributed among them in equal proportions with those who had paid twenty or twenty-five years. He really thought there must have been some mistake in the petition until he looked into the Act of 1855, and compared it with that of 1858; when he also found this—that, no doubt the clause objected to was moved regularly as an Amendment on the Report on the 27th of July, 1858. On the 29th of that same month the Bill was read a third time and passed. The consent of the Commons being obtained on the 2nd of August it became law. He wished the noble Earl (the Earl of Derby) who made a most important statement the other evening relative to the business of the House, had been present in order that he might hear how many Bills passed that day. No fewer than forty-nine Bills were passed on the 2nd of August, and the space given to the Commons and Lords for considering this entire revolution in the state of Friendly Societies was the interval between the 27th and 29th of July, when the Bill passed the third reading. He thought he could not do better than call the attention of his noble Friend on the woolsack to this case. He was anxious to contribute as far as lay in his power to the promotion of that great object, the facilitating of the business of the two Houses of Parliament; and with that view he could, he thought, make no better proposition than that their Lordships should assent to the twenty-four Resolutions, which, after considerable discussion, had in 1846 been brought forward on the subject, being printed and circulated.

THE EARL OF DONOUGHMORE said, he recollected that the clause in question was discussed by their Lordships in 1858, and the objections then taken to it having been answered and overruled, the clause was agreed to as part of the Bill.

LORD REDESDALE observed, that the Resolutions to which the noble and learned Lord referred related to the passing of private Bills, and therefore had no bearing upon the measure to which his remarks

were especially directed, that being a public Bill.

LORD BROUGHAM said, he was aware that the proposition which he had made had nothing to do with the point to which he had more immediately risen to address himself. In making it he had in view the discussion which had taken place on Thursday last, and the fact that the great mass of private Bills which came before Parliament tended to obstruct the progress of public business.

EARL GRANVILLE suggested that if the noble and learned Lord desired to move that the Resolutions of 1846 be reprinted and circulated he should give notice of his intention to do so.

The Resolutions (Private Bills and Business of the House) moved and Ordered to be printed on the 4th May, 1846; To be reprinted.

NEWSPAPERS, &c., BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD STRATHEDEN, in moving the second reading of this Bill, which had come up from the Commons, said that it dealt only with the 39 *Geo. III.*, c. 79, the 60 *Geo. III.*, c. 9, and the 1 *Will. IV.*, c. 73. It did not interfere with or alter the Acts which required that newspapers should be registered at Somerset House, and that the name of the printer should appear to each publication. It repealed a part of the first-mentioned Act, of 1799, by which debates were prohibited in houses without a previous licence, and by which printers, typefounders, and printing-pressmakers were compelled to obtain certificates from the clerk of the peace before they proceeded to carry on business. The second Act to which he had referred was one of the celebrated Six Acts passed in 1819, which brought such odium on the Government as being encroachments on the ancient freedom of the country; by its provisions securities were, for the first time, exacted from publishers. By the third Act, which was passed in 1830, the securities which were by the Act of 1819 required from publishers were to some extent modified. But, although such statutes might be defended in times of revolutionary agitation, they had now outlived the fears and passions by which they were created, and, as the stamp laws had been abrogated, these securities had been practically nullified.

Lord Brougham

The only question raised by the Bill was, consequently, whether those enactments should not be altogether abrogated. The Bill had received the unanimous approval of the other House, and he therefore trusted their Lordships would give it a second reading.

Moved, That the Bill be now read 2^a.

LORD CHELMSFORD reminded the noble Lord that the Bill had passed the other House on more than one occasion with scarcely any discussion upon its merits. It was originally introduced into the House of Commons by the hon. Member for the Tower Hamlets (Mr. Ayrton) in March, 1859, and his hon. and learned Friend the then Solicitor General (Sir Hugh Cairns) stated that there were some portions of it to which objections might be taken. The Bill was read a second time without the least discussion, and went into Committee; but was ultimately withdrawn in consequence of the approaching dissolution. After the new Parliament met, it was again introduced, and having been read a third time on the 19th of July, 1859, it came up to their Lordships on the 21st, but was dropped in consequence of the termination of the Session. The Bill was re-introduced at the commencement of the present Session, scarcely a word being said about it, and there could have been little discussion subsequently, for it came up to their Lordships' House as early as the 7th of February; but from that day until now it had lain on their table without any noble Lord thinking it his duty to move the second reading. Under those circumstances it was necessary to look carefully to the Bill in order to see what provisions it repealed. It proposed to repeal the sections from 15 to 33 of the 39 George III. These sections might be divided into two distinct classes. First, sections from 15 to 22, which were directed against houses and places where meetings were held for the purpose of debates and lectures, and which enacted that if money were taken for the admission of persons such houses and places must be licensed by a magistrate. There was also a rather curious provision to the effect that houses licensed for the sale of ale, beer, wines, and spirituous liquors should be considered as places licensed for the purpose of reading books, newspapers, pamphlets, and other publications. Those provisions were made at a time of public danger, when stringent measures were required to prevent seditious meetings; but as all such danger had happily passed away,

he saw no objection whatever to their repeal. But sections 22 to 33 were of a different character. They required that a printer or typefounder should give notice to the clerk of the peace of his intention to commence business. That notice was sent to the Secretary of State for the Home Department, and afterwards the certificate to carry on business was issued by the clerk of the peace, without which any such printer or typefounder was liable to a penalty. To show how little attention had been paid in the preparation of this Bill, it proposed to repeal provisions in the 39th George III. which were already repealed by the 2 & 3 Vict. c. 12, but a printer was still required to put his name to all papers which he printed. There was another very important clause in the 39th of George III. between the 22nd and 33rd sections, which empowered all persons to seize any one distributing or posting bills to which no printer's name was attached, and to take him before a magistrate, in order that the magistrate might hear and determine the case. From his experience at the bar he knew that it was very common for libellers to employ persons to distribute their libels without a printer's name, and it would be impossible to detect them if the persons so distributing the papers could not be at once taken before a magistrate and required to state by whom they were employed. He therefore strongly objected to that clause being repealed. He had also a decided objection to the proposed repeal of the 60th Geo. III. c. 9, which referred entirely to newspapers, and contained a clause of great importance, requiring printers and publishers, before publishing a newspaper, to enter into recognizances by which they were to be bound in a certain sum to be answerable for any fine or penalty which they might incur in the event of their being convicted for a blasphemous or seditious libel. He considered this a very important clause, and he should be sorry to see it repealed. The same Act contained a clause empowering a Judge, when a person was brought before him to give bail for a blasphemous or seditious libel, to make it a condition of the recognizance that the party should be of good behaviour during the terms of his recognizance. These were provisions that he did not desire to see repealed. Under a subsequent Act, the whole of which it was proposed to repeal, except the first section, there was a clause connected with the 60th of George III, which provided

that where a person had obtained damages against the publisher of a newspaper for libel, and was unable to obtain satisfaction against his goods and chattels, he could apply to the Court of Exchequer, and the Court might direct that the recognizances might be used for the purposes of satisfying the damages that had been awarded. The present Bill, however, proposed to repeal that clause. A Bill that repealed so many important provisions of the 39th of George III., the whole of the 60th of George III., and the whole of the 11th of George IV. and 1st of William IV., except the first clause, deserved the careful consideration of their Lordships. As there were certain clauses of the 39th George III. that ought to be repealed, it would perhaps be desirable to read the Bill a second time. Perhaps it would be desirable, however, in Committee to confine the Bill to the repeal of these clauses in the 39th George III., and to omit the other provisions of the Bill.

THE LORD CHANCELLOR trusted their Lordships would not hesitate to give the Bill a second reading. It proposed to repeal enactments that were a dead letter and discreditable to the age. How far their Lordships would carry out these repeals was a matter for consideration. As to those enactments that were obsolete it would be as well that they should be repealed. Under these circumstances, he trusted they would allow the Bill to be read a second time, and they could then deal with the details in Committee.

LORD CRANWORTH said, that the Bill proposed to repeal certain enactments without stating what the effect of such repeal would be. Had their Lordships the least notion what they were asked to do by this Bill? He ventured to say they had not. Their Lordships were therefore indebted to the noble and learned Lord (Lord Chelmsford) for going through the provisions of the Bill so carefully, and giving them all the information they possessed upon the subject. This Bill came up to their Lordships' House more than four months ago, but until that afternoon when the Bill was put down for a second reading, he had not looked into the Acts of Parliament proposed to be repealed. The conviction he had arrived at was that the repeal of many of these enactments would be most impolitic and injurious. There was, for example, nothing more reasonable than that persons publishing newspapers should give security that they

Lord Chelmsford

would not be guilty of private malice. He had declined to take charge of this Bill, because, as a general rule, he objected to the introduction of any measure which did not bear on its face an intimation of its object and effect. In certain cases, that might perhaps be dispensed with, as in a Bill to repeal all the statutes which were consolidated in a general Act, or a vast mass of practically obsolete enactments. But in the attempt to make legislation simple—a very desirable object in itself—they must take care they did not expose themselves to the old charge—*Brevis esse laboro, obscurus fio*. Except to any one who took the trouble to refer to the statute-book, the present measure was quite unintelligible.

LORD WENSLEYDALE hoped that, if the second reading was agreed to the Bill would be referred to a Select Committee, so as to make its provisions clearer than they were at present.

THE EARL OF DONOUGHMORE considered that if the Bill was altered in Committee they would have to recite all the provisions that were repealed, and that would involve not only the alteration of the entire Bill, but its title also. Under the circumstances he thought it would be better to withdraw the Bill.

THE LORD CHANCELLOR said, he had no doubt the noble Lord who had moved the second reading would consent to refer the Bill to a Select Committee, but he hoped he would not withdraw it. It was of great importance that a number of these enactments should be repealed, and as the House of Commons had twice sent up a Bill with that object, it would scarcely be respectful to that House to dismiss the present Bill in a summary manner. When only a single clause was to be repealed it might be very well to recite it in the preamble, but there would be a great deal of difficulty and inconvenience in doing so where whole Acts were concerned.

LORD WYNFORD observed that as there was no urgent necessity for the Bill it had better be withdrawn in order to be amended.

EARL GRANVILLE considered that while it would be hard to insist on a withdrawal of the Bill, it would not be expedient to accumulate Committees. Now that they had heard the objections, some in substance and others in form, probably the most satisfactory course would be to read the Bill a second time, and perhaps

with the assistance of the noble and learned Lord on the woolsack the Bill might be rendered useful.

LORD STANLEY OF ALDERLEY said, that he was the first person requested to take charge of the Bill in their Lordships' House. On examination, however, he found that it gave no information as to the nature of the Acts to be repealed, and he, therefore, declined to adopt it. He was not disposed to oppose the second reading, but hoped the noble Lord would afterwards omit those provisions to which objection had been taken.

LORD REDESDALE pointed out that as the short title of the Bill was only "News-papers, &c.," all that could be left, if they struck out the clauses relating to newspapers, would be "&c., Bill." If the noble Lord thought he could make anything of the Bill under the circumstances, it might be read a second time and committed *pro forma*.

THE DUKE OF BUCCLEUCH said, it appeared that the Bill had gone from one noble Lord to another before any one could be got to take charge of it. He had himself referred to the statute-book to ascertain what were the enactments to be repealed, and he was of opinion that it would be imprudent to repeal some of those which were of a penal character. He thought the noble Lord had better withdraw the Bill, and introduce it in an amended form next Session.

LORD STRATHEDEN said, it was impossible for him consistently with the usages of Parliament, or the duty he owed to the measure, to withdraw the Motion for the second reading of the Bill, which would not preclude its reference to a Select Committee, or its ultimate rejection. The noble and learned Lord (Lord Chelmsford) had stated, with greater confidence than accuracy, that this Bill had passed the other House with no consideration, and he was justified in opposing a respectful contradiction to this by referring the noble Lord to the Debates of 1859. In that Session the measure was fully discussed, and a distinct understanding was arrived at, and one of the assenting parties was the Solicitor General. It was incorrect, then, to say that in the other House of Parliament this Bill had received no consideration, and under the circumstances, he asked their Lordships to read the Bill a second time upon the understanding that by so doing they should not be committed to any particular provisions in it,

leaving the details to be considered in Committee.

LORD CHELMSFORD had hoped his noble Friend would have given a pledge that he would alter the Bill in Committee as he had suggested; but as he declined to do so he had no alternative but to move as an Amendment that the Bill be read a second time that day month.

Amendment *moved*, To leave out ("now") and insert ("this Day Month.")

On question, That ("now") stand part of the Motion? their Lordships divided:—Contents 10; Not-Contents 36: Majority 26.

Resolved in the *negative*, and Bill to be read 2^a on this day month.

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Carnarvon, E.	Bolton, L.
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Doncaster, E. (<i>D. of Buccleuch & Queensberry.</i>)	Chelmsford, L. [<i>Teller.</i>]
Ellesmere, E.	Churchill, L.
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Lucan, E.	Denman, L.
Malmesbury, E.	Foley, L.
Mayo, E.	Mostyn, L.
Powis, E.	Portman, L.
Romney, E.	Ravensworth, L.
Shrewsbury, E.	Redesdale, L.
Eversley, V.	Silchester, L. (<i>E. Longford.</i>)
Hutchinson, V. (<i>E. Donoughmore.</i>)	Templemore, L.
[<i>Teller.</i>]	Wodehouse, L.
	Wynford, L.

MINES REGULATION AND INSPECTION BILL.—COMMITTEE.

House in Committee (according to Order).

Clause 1 *agreed to*.

Clause 2.

LORD RAVENSWORTH said, he thought certain alterations were necessary in Clause 2. The principal object of the Bill was to afford protection and security to persons employed in mines, and it enacted that children under twelve years of age were not to be employed in mines;

but, then, certain exceptions were made in the case of children between ten and twelve years of age, who have certificates as to education and school attendance; and a proviso was added by which it was endeavoured to secure the continuance of the education by the employers of this infant labour; but care must be taken that these enactments did not defeat their own object. The education test applied only to children employed in mines and collieries, and as they worked only at unskilled labour, it might be fairly argued that the education test should be applied to children employed in skilled labour. The parents also were not debarred from sending their children to other kinds of unskilled labour, and therefore they would in preference send them to those kinds of labour in reference to which there was no education test. This difficulty was felt in the other House of Parliament, and Mr. Adderley brought in a Bill extending this principle of the education test to all kinds of labour; but that Bill was rejected on the Motion for the second reading by a large majority. He did not object to the educational test being applied in reference to mines, but he thought that the application of that test in the way proposed in this clause would be productive of inconvenience. He should therefore move the omission of certain words from the second part of the clause.

THE DUKE OF SOMERSET said, it was clearly desirable that children under twelve years of age should receive a certain amount of education, and that in order to make it effective it must be continuous. To secure that, it was necessary that the clause should be compulsory. He was, however, willing to modify the clause, if by so doing he could render it more practicable.

LORD STANLEY OF ALDERLEY acquiesced in the principle that they should insist upon the test that young people employed in mines should attain a certain amount of education; but he would propose that the children so employed should receive a certificate of their having made certain acquisitions in elementary knowledge, or else that they should continue to receive instruction during the time they were employed.

Clause amended and agreed to. Further Amendments made. The Report thereof to be received on *Thursday* next.

House adjourned, at Eight o'clock,
till To-morrow, half-past
Ten o'clock.

Lord Ravensworth

HOUSE OF COMMONS,

Monday, July 23, 1860.

MINUTES.] PUBLIC BILLS.—1^o Law and Equity.
2^o Corrupt Practices Prevention Act (1854)
Continuance; Church Temporalities (Ireland)
Acts Amendment; Ecclesiastical Courts and
Registries (Ireland); Ionian Islands (Mar-
riages); Larceny Laws Consolidation Act
Amendment.
3^o Heritable Securities, &c., (Scotland); Game
Certificates, &c.; Manchester Cathedral Church;
Landed Property Improvement (Ireland).

STORES, &c., FOR INDIA.

QUESTION.

SIR DE LACY EVANS said, he rose to ask the Secretary of State for War, Whether certain Storekeepers have been lately sent out to India by the War Department on such allowances with reference to the duties to be performed that the Council of India recalled them? And whether a remonstrance was recently received from the Bombay Government against costly stores being sent from the War Department to India without requisition?

MR. SIDNEY HERBERT said, that on the 8th September, 1858, Lord Clyde asked that military storekeepers might be sent out to India from the military store department at home. The authorities assented to the application, and the storekeepers were sent out; but their allowances were considered very heavy, and therefore they were sent home. A letter was received from the Indian Office on the 19th November, 1859, in which reference was made to the issuing of stores by the War Office without the previous sanction of the Secretary of State for India. He immediately wrote to the India Office requesting to be informed what was the nature of the stores in question; and to that letter he had received no answer. He supposed, therefore, that there must be some mistake, for neither stores nor men were sent to India without the sanction of the Secretary of State for India.

MR. BRIGHT: When was the letter sent to the India Office.

MR. SIDNEY HERBERT: On the 28th of November.

MR. BRIGHT: And up to the present moment no reply has been received.

MR. SIDNEY HERBERT: None.

MR. BRIGHT: I wonder what they can be doing at the India Office.

COLONELCIES OF REGIMENTS.

QUESTION.

MR. MILDMAY said, he would beg to ask the Secretary of War, with reference to the vacant colonelcy of the Scots Greys, Whether there would be any objection in future to state in the Estimates the services in consideration of which Colonelcies of Regiments are conferred, in the same way as was done in the case of Good Service Pensions?

MR. SIDNEY HERBERT said, that before the next Estimates were framed he should take this subject into consideration; but there was a distinction which hon. Gentlemen ought to draw between the two cases. Good service pensions were given for distinct acts of service before the enemy, whereas the rule had always been that regiments should be given for length of service, not necessarily in the field, because during a lengthened peace there might be cases of officers who were willing to serve, who might be good officers, but who might have no opportunity of distinguishing themselves in actual warfare.

DISTURBANCES IN SYRIA.—QUESTION.

SIR JAMES FERGUSSON said, he wished to ask the noble Lord at the head of the Foreign Office a question with respect to a semi-official article which appeared in the *Constitutionnel* of Saturday on the subject of Syria. The article contained the following passage:—

“There is so perfect an agreement between the national and political sentiment in the Government of the Emperor that the Resolutions which are going to be taken *à propos* of the affairs of Syria, had been pressed for at the same time that it was called for by the unanimous impulse of the French press. The most energetic adhesion will reply, in Europe as in France, to the noble initiative which all the world expects of the Sovereign who governs us. No one will be surprised to hear that French troops will be immediately embarked to bear succour to the Christians in the East.”

The article went on to state that the French were bound to interfere by the Treaty of 1856, and was signed by M. Grandguillot. Another paper, the *Independence Belge*, pointed out that the statement recently made by the noble Lord in the House of Commons must have been made in ignorance of the Resolution of the French Emperor, which, it added, must therefore have been taken without premeditation. In the *Moniteur* of yesterday there appeared an official article to the following purport:—

“The propositions which the Government of the Emperor has made with the object of arrest-

ing the shedding of blood in Syria, and of protecting the Christian populations, have been accepted by the Great Powers. England, ready to co-operate with her ships, recognizes the opportunity for the mission of a corps of troops, of which France would furnish the whole or the greater part. Austria and Russia give the same opinion. The Foreign Minister of Prussia has gone to his Royal Highness the Prince Regent to take his orders. A convention should be signed to determine the character and object of the European intervention. One waits only the acquiescence of the Porte.”

He had therefore to ask the noble Lord whether the Report was correct that a reconciliation between the tribes of Lebanon had taken place; whether the Government were in possession of information that French troops had embarked or were about to embark in the south of France for service in the East; whether any intervention which might take place in Syria would be confined to the coast or be extended inland; whether the Government had consented to intervention in Syria by force of arms, and last, whether they would protest against any such intervention until the consent of the Porte had been obtained?

LORD JOHN RUSSELL: Without answering the assertions which the hon. and gallant Member has read from French and Belgian newspapers, I may state what has occurred with respect to this very painful subject. Some time ago, upon the receipt of an account of massacres committed by the Druses on or near the coast of Syria, an order was sent to the Admiralty that Admiral Martin should proceed thither, should put himself in communication with the Consuls, and, if necessary, in order to stay the progress of the massacres, should be authorized to land the Marines of his fleet. Subsequently, accounts of a still more dreadful character were received. We were informed of a transaction marked with peculiar features, which took place at Dehr-al-Kamar. Statements were received from various quarters, that the Pasha in command at Dehr-al-Kamar informed the Christians of the neighbourhood that he expected an attack would be made upon them by the Druses, who were encamped in the vicinity, and he therefore advised them to come into the town. When the Christians were assembled in the town, he advised them, in consequence, it is said, of a demand made by the Druses, to give up their arms. They gave up their arms, which were sent away apparently with the view of their being taken to Damascus, but were captured on the road by the Druses. The Pasha then ordered that the Chris-

tians should be confined within a building in the centre of the town. They were there confined for a considerable time, with very little food, and consequently fell into a desponding and weak condition. He then assembled them all in a court, and ordered the gates to be thrown open. The Druses entered, armed with both muskets and swords, and shot or cut down nearly the whole of these unhappy persons. Some few escaped, and reported at Beyrout what had happened. A gentleman who is well acquainted with that country and with some of the Druse chiefs, was prevailed on to go to one of those chiefs, for the purpose of endeavouring to stay the progress of these outrages. He accordingly saw the chief, who told him that he had been opposed to this attack on the Christians; that he said all he could against it, and was able to say no more; that he had no influence with the people, and that the massacres would probably continue. On returning to Beyrout this gentleman went to the town, where the massacres had taken place. He described the streets as being strewed with dead bodies, the stench from which was horrible; the Druses were going about with their heads partially covered to protect themselves against the stench; but, at the same time plundering, laughing, and joking in the midst of this horrible scene. It seems to be the general impression among the Europeans on the coast that the Turks, for some reason or other, which I will not now discuss, had not done all they might to prevent these massacres, and had shown more sympathy with the Druses than with their unhappy victims. Soon afterwards we received accounts of a rising at Damascus, when 500 Christians were killed, including, what perhaps may not be true, the Dutch Consul, and scenes of a similar nature at other places.

The French Ambassador came to me on Wednesday last and stated the opinion of his Government, that these massacres could not be stayed unless a body of European troops was sent to Syria. I stated that the Sultan had sent a considerable body of troops there, and that it was to be hoped that that would be sufficient to restore order. The French Ambassador replied that, seeing the apathy and indifference to preserve Christian life already shown, there was reason to fear that the Turks that might be sent to Syria would not evince sufficient energy to prevent the Christians from being massacred. He referred to the treaty of 1856 and other

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provisions by which the Christian subjects of the Porte are to have their interests cared for by the European Powers, and he asked whether Her Majesty's Government would consent, in common with the other European Governments, to send a body of troops to Syria. I said I would consult with the Cabinet on the subject, promising to give the French Ambassador an answer on the same evening. The answer I gave in concurrence with the opinion of the Cabinet was, that, considering the circumstances and the accounts which were received, Her Majesty's Government could not object to European troops being sent to Syria; that we hoped to have a squadron on the coast; but that it would not be necessary to send any English troops; that perhaps Austria might send some troops, but that the force might be chiefly French. It was also stated that Her Majesty's Government were of opinion that in order to regulate the proceedings, and especially the period of the stay of the troops, it was necessary to have a convention, and that, above all, the Porte should be a party to the convention. At the same time, I added that if the principle were agreed to I did not think it necessary, supposing the urgency to be so great and Christian life in jeopardy, to wait for all the details to be agreed upon, or for the signature of the document before the expedition was sent out. This answer of the Government was transmitted to Paris, and the other Powers were at the same time, or immediately afterwards, consulted; and I have been informed that certain Governments, and principally the Governments of Austria and Russia, have agreed to the proposition. The Foreign Minister of Prussia declared his concurrence, but sent the proposition to the Prince Regent, who was at Baden. Thus the European Powers appear to be agreed; but I have not yet received any account of what is the opinion of the Porte. We have thought, in these circumstances, that it was impossible for us to object that a force of European troops should be sent to Syria. Of course, the convention is not yet signed; it is still a matter of negotiation as to how its terms should be drawn, what should be the stay of the French troops in Syria, and in what manner they are to act. We were informed, I believe, on Saturday last, that a brigade of French troops was to be sent to Syria. The convention must, of course, be made with the consent of the Powers of Europe and of the Porte. The hon.

Gentleman has asked whether it is true that Syria is now pacified, and that peace has been made between the Druses and the Maronites. We have received a very short telegram from Constantinople stating that peace had been signed between the Druses and Maronites on the 10th instant, but the telegram conveys no particulars.

FORTIFICATIONS AND WORKS. COMMITTEE.

Order for Committee read.

House in Committee.

VISCOUNT PALMERSTON:—Sir, in proposing the Resolution which I shall conclude by placing in your hands I shall ask the Committee to take a brief retrospect. It is needless to say that the Resolution I am about to propose has for its object to carry into effect to the degree and in the manner which I shall state the recommendations of the Commissioners whose Report has been laid on the table of the House, with a view to secure by fortifications the Royal dockyards, the ports of Dover and Portland, and also to create on some central point an inland arsenal to serve as a substitute for, and as an assistance to, Woolwich. The Committee will remember that after the conclusion of the great war which ended in 1815, this country had established a virtual supremacy on the ocean, and by good fortune and the bravery and gallantry of her sailors had, during the war, swept from the seas all hostile fleets. As far as maritime power went we were then free from alarm of attack from any quarter whatsoever. The nations of Europe, moreover, had exhausted their resources, and were greatly depressed in mind and spirit by the events of the war. There was hardly a country in Europe, from the Tagus to Moscow, which had not by turns been swept over by the tide of war and conquest, excepting this fortunate country, and I may add Sweden. It was natural that the people of Europe, having been exhausted by that long-continued struggle, and having in almost every country suffered miseries and calamities which, let me say, fell more heavily upon the inhabitants of the country which is the scene of those operations than even upon the contending armies,—I say it was natural that nations in that temper of mind should fix their thoughts and desires upon a long continuance of peace. For many years, therefore, after the conclusion of peace, in 1815, those who were responsible for the conduct of affairs in this country

were content to rest upon the glories which we had gained, upon the recollection of the strength which we had displayed and upon the remembrance of the victories we had achieved, and they thought it unnecessary to call upon the people of this country for any great exertions with a view to prospective dangers, which there was no reasonable ground for expecting. The consequence was that for many years we acted as we had done during the war with respect to the defences of our dockyards and other vulnerable points, and as long as the movement of ships depended on the wind and on the chances of weather the calculation was a just one. We had then a very large fleet. No longer ago than 1848 I believe we had eighty sail of the line; and as long as naval warfare was carried on by means of sailing ships we were in a condition, by our superior skill and aptitude for the sea and for naval combat, to rest upon the strength which we then possessed afloat. The same difficulties which interposed in 1804-5 to prevent a large army drawn up on the opposite coast of the Channel from crossing over to this country continued to exist, and therefore successive Governments were justified in abstaining from any great effort for the purpose of artificial protection to our dockyards and other vulnerable points. But the introduction of steam changed this state of things. The adoption of steam as a motive power afloat totally altered the character of naval warfare, and deprived us of much of the advantages of our insular position; operations which, if not impossible, were at least extremely difficult while sailing vessels alone were employed, became comparatively easy the moment that steam was introduced; and in fact, as I remember Sir Robert Peel stating, steam had bridged the Channel, and, for the purposes of aggression, had almost made this country cease to be an island.

Well, Sir, I will not state now—because statements are better made only in general terms, and therefore I will not mention the degree to which the absence of artificial defences rendered us at particular and at critical periods liable to very unpleasant attacks from an enemy. But in 1847, I think, in consequence of an able memorandum drawn up by Sir John Burgoyne, the Duke of Wellington wrote and published—or at least it was published—that well-known letter in which he described, with all the knowledge that belonged to a great captain, the evils which his ex-

perience led him to anticipate in the event of this country being the scene of war. He drew the attention of the country to the want of artificial defences, and implored those who were charged with the conduct of affairs to provide better means for its defence against possible attack and foreign aggression. That appeal fell upon dead ears as far as the country was concerned. Nations are slow to alter their perceptions. We were, indeed, in a position with regard to this country which may be expressed by the words *stat magni nominis umbra*. But the people of England could not be brought to realize that altered condition of things. Something, though little, was, indeed, done in consequence of this appeal from one of the greatest masters of the art of war, the most learned and knowing in the science of attack and in the means of resisting it. The Government of the Earl of Derby came into power, and I must do them the justice of saying that they took a great and very important step towards placing this country in a position to defend itself by reorganizing and re-establishing the Militia. It is due to them, and more especially to the right hon. Gentleman (Mr. Walpole) who was then Home Secretary, and who took great pains in arranging that force, to say that they did that for which the country ought to be grateful. Before that time and since, when I was in office, I took steps with the view of arranging the artificial defences of the country upon some general system. I found that one department acted without the knowledge of another, each independently, and without adopting those combined measures which were necessary. I therefore requested the Commander-in-Chief for the time being, the Master General of the Ordnance, the First Lord of the Admiralty, the Inspector General of Fortifications, and the Secretary at War to meet at my office, and we established then a system of mutual concert and co-operation which laid a foundation for very great improvement in our defences both at home and in some of our military stations abroad. Since that time this system has gone on, and it has prospered. At one time Portsmouth harbour had no defence, save a saluting battery of comparatively small guns, while Plymouth was very imperfectly defended from the sea, and Sheerness had only one gun that was serviceable. I have heard, but do not know whether it is true or not, that soon after 1844 two French steamers came into Sheerness for the ostensible pur-

pose of coaling, and the commander having sent on shore to know whether a salute would be returned, was informed that, as there was only one gun that was serviceable, they must excuse the lapse of some little interval between each fire. But though at the period I have referred to those important establishments were very imperfectly and inadequately defended, since then considerable progress has been made in all of them. I am bound to say, to the honour of my right hon. Friend the Secretary of State for War and the Commander-in-Chief, that those two public officers have co-operated with the utmost cordiality, without the slightest official jealousy or the interference of anything like official etiquette, for the improvement of our army and the protection of the country in a manner which entitles both to the gratitude of the nation. I say that it is mainly owing to their exertions that a far greater advance has lately been made in our artificial defences than in any similar period of time. My right hon. Friend appointed a Commission to inquire into the present state of those most important points to which I have referred. The result of the Commission is the Report which is upon the table of this House.

Sir, the recommendations of the Commissioners, which have been confirmed after revision by a Committee of military officers, called the Defence Committee, amount to a recommendation of a total outlay of £11,000,000, in which is included £1,500,000 for armaments and floating defences. I hold that it is absolutely necessary for the safety of the country that these recommendations should substantially be carried into effect. Now, there are two modes of doing this. You may either vote annually such a portion of the annual income as the country would like to spend on a matter of this kind, and by so doing defer, perhaps, for eighteen or twenty years the accomplishment of these defences; or you may take that course which it will be my duty to recommend, and endeavour to complete them at the earliest possible period, without at the same time laying upon the country a larger annual burden than would be incurred if you prosecuted these works more slowly. I mean you may—by raising by terminable annuities, to run for thirty years, a sum that will be sufficient in the course of three or four years to complete these works—get within a short period the security you require; and you will not lay upon

the country a much heavier annual burden than that which would be incurred if you were to wait until the slow process of annual Votes brought you the money necessary to carry these works to a conclusion. My opinion is, that if these works are necessary, and I think common sense shows you they are necessary; if they are necessary, they are necessary as soon as we can get them. They are necessary for time present; and it would be folly to postpone for eighteen or twenty years the completion of defences against dangers which, I hope, may not arise; but dangers which we may contemplate as possible, and which, if possible, may be possible in the course of a comparatively short space of time.

Now, that is a course which I know is, to a certain degree, a departure from ordinary usage; it is contrary to principle to raise money by loans for the annual expenditure of the country in time of peace. To do so for the purpose of defraying the ordinary expenses of the year, would be as spendthrift a proceeding, as for an individual to borrow money every year to pay his household expenses. We know what would be the fate of an individual who did so, and the country which did so would, no doubt, be brought into great and early embarrassment. But in private life Parliament, by recent legislation, has empowered and encouraged individuals to raise money by loans, either from the Exchequer-bill Commissioners, or from private Companies, for the purpose of effecting permanent improvements upon their landed property, spreading the repayment over a considerable period of time. Now, what is sound policy, recognized by Parliament, in the case of private individuals, cannot be unwise or inexpedient, as regards the greater and more important interests of the nation. By raising money by terminable annuities, we should prevent that loan from becoming a permanent addition to the debt of this country. I think that ought to be avoided in all cases where it is possible; and, in the present case, I am convinced it is possible.

Now, Sir, as to the necessity of these works, I think it is impossible for any man to cast his eyes over the face of Europe, and to see and hear what is passing without being convinced that the future is not free from danger. It is difficult to say where the storm may burst; but the horizon is charged with clouds which betoken the possibility of a tempest. The Committee,

of course, knows that in the main I am speaking of our immediate neighbours across the Channel, and there is no use in disguising it. It is in no unfriendly spirit that I am speaking. No one has any right to take offence at considerations and reflections which are purely founded upon the principles of self-defence. We have, it is true, recently concluded a commercial arrangement with France. [*A laugh.*] These, Sir, are not matters to be treated with levity. These are not arrangements without great value; for it is well known, and proved by experience, that nations which have with each other great commercial intercourse—nations between which great mutual interests are involved in the maintenance of peace—are less likely to fall out and become antagonists, than nations between which those ties are not cemented. But, at the same time these things are not brought about at once. A great nation, which has not hitherto been much addicted to commerce, whose mind, whose feelings, and whose glories have chiefly had relation to warlike operations—such a nation cannot be expected on a sudden to become entirely free from its former habits, and at once to comprehend all the benefits and advantages that arise from peaceful and commercial relations. I hope much from this treaty; but that treaty alone would be a frail security to a great nation like this, with extensive interests, with great wealth, and whose shores are more open to attack than the land frontiers of any country; because, whereas upon a land frontier the points of attack can be pretty well guessed, and can be guarded—a country whose frontiers are the sea, is open to attack at any point to which an enemy, able to command the sea, may choose to direct his force. Therefore, I say, it would be folly to rely upon the future effects of the Commercial Treaty, when we know that we have vulnerable points which require artificial defences, and that we have the means of providing those defences. Is there nothing in the state of Europe that leads us to think that we might, by the course of events, be called upon to defend ourselves against hostile attack? We see in France an army of 600 and odd thousand men, of whom 400 and odd thousand are actually under arms, and the remainder are merely on furlough, and can be called into the ranks in a fortnight. That army is far greater than France requires for the purposes of defence. No nation in

the world would think, unprovoked, of attacking France. Nothing could be gained by it; no one could expect to dismember France, and no one would fare otherwise than ill who ventured upon an unprovoked attack upon France; and, therefore, for the defence of France we may pronounce that vast army unnecessary. I do not mean to say that that army is raised for the deliberate purpose of aggression. I trust it is not, but the possession of power to aggress frequently gives the desire to do so. You cannot, you are not entitled to rely upon the forbearance of a stronger neighbour. You are bound to make your defensive means proportionate to his means of aggression.

But, Sir, is it only on land that the arrangements of France are disproportionate to her necessities for defence? We know that the utmost exertions have been made, and still are making, to create a navy very nearly equal to our own—a navy which cannot be required for purposes of defence for France, and which, therefore, we are justified in looking upon as a possible antagonist we may have to encounter—a navy which under present arrangements would give to our neighbours the means of transporting within a very few hours a large and formidable number of troops to our coast. But, further, while on the one hand, the French navy has increased far beyond any amount that it has reached since the end of the last war, our navy has, on the other hand, from the change which has taken place from sailing ships to steam, necessarily diminished in numbers. We had at one time, as I have stated, eighty-four sail of the line, all sailing vessels; but this number has been necessarily greatly reduced. The right hon. Baronet opposite (Sir John Pakington), when he was at the head of the Admiralty, did good service in proceeding to substitute steam line-of-battle ships for sailing line-of-battle ships. I trust we are going on in the same course, and that in a short time we shall establish our navy on such a footing of superiority in numbers to that of any neighbouring Power as is absolutely necessary for our existence as a nation. I say, however, that we have no right to rely for our security on the mere forbearance of a rival Power. Our interests are spread over the whole surface of the globe. Agents in every quarter are at all times liable, through an excess of zeal or a mistaken sense of duty, to lead the nations they represent into difficulties; and no one can

answer from day to day that something may not happen in some part of the world that will lead to disagreeable communications between different Powers. With the utmost desire that such matters may be amicably adjusted, yet, if one country is greatly the strongest and another country greatly the weakest, it is very difficult for any arrangement to be made. The stronger Power naturally exacts conditions which the weaker may not be disposed to grant, and though in the case of an arbitrary Monarchy and despotic Government things might be easily arranged, yet where the weaker Power consists of a high-spirited and patriotic nation, with free institutions and with the popular feeling manifested on every public event by means of a free press, you may be quite sure that the bulk of the nation, who are not responsible for consequences, and who do not know very often the difficulties and dangers that a certain course of conduct might produce, would revolt against the concessions made by the Government; and if they were told that those concessions were rendered necessary, by the absence of the means of defence, or by the neglect of former Governments to provide for the security of the country, they would vent their indignation against those in power, and lay the seeds of future dissensions with the foreign country to which concession had been made. Thus, for the sake of peace, it is desirable that we should not live upon forbearance, but that we should be able fully and effectually to defend ourselves. When that is the case no foreign country will, without ample reason and provocation—which I trust we never shall give—disturb the state of peaceful relations that may exist with us.

What, then, are the dangers to which we are exposed? They are of two kinds—I speak now only of the United Kingdom, and say nothing of the Colonies or our various foreign possessions. The danger to which we should be exposed would be that of invasion, for one or two, or I may say three purposes—either with the hope of conquest, which I think no foreign country would imagine to be possible; or, next, to get possession of the Metropolis, and there levy heavy contributions, and by overbearing the spirit and hopes of the country expect to dictate in the Capital terms of peace that would be ignominious to the country and advantageous to the invader. The third, and, as I think, much more probable attempt, would be by a sud-

den attack—by sea and by land, or by land if the sea defences were too strong—on our naval arsenals, the cradles of our navy, which is our national strength, and by destroying at the root our naval forces to lay us open afterwards to other measures of aggression which an enemy might be inclined or enabled to carry out. Sir, I dismiss from my mind the idea that any foreign Power would dream of conquering this country with the view of permanent possession; I do not believe it would enter the mind of any one. No doubt London might be open to attack, but London is too vast a space to be surrounded by fortifications. You cannot fortify London as has been done with Paris. London must be defended by an army in the field. There are strong natural positions between the coast and London, which, skilfully taken advantage of, might enable even a small force to repel a larger force, and successfully drive back an invasion. And there is this to be said, that whatever amount of force an enemy might land on our shores, so long as we retain the command of the sea, that force must ultimately be lost, because its communications would be cut off, its supplies rendered impossible, and, sooner or later, it would be compelled to surrender as prisoners of war. It might do great mischief; it might cause extensive destruction of life and property, and entail great misery on the country; but ultimate success of such an operation would not, I apprehend, enter the mind of any military man, nor could such an operation be regarded as one likely to be attended with permanent advantage to an enemy, except in so far as it might inflict injury on this country.

Well, then, Sir, the operation which I apprehend is most likely to be attempted is that of landing a considerable force for the purpose of destroying our dockyards. If your dockyards are destroyed, your navy is cut up by the roots. If any naval action were then to take place, your enemy, whatever the success of it might be, would have his dockyards, arsenals, and stores to refit and replenish, and reconstruct his navy; while, with your dockyards burned and your stores destroyed, you would have no means of refitting your navy and sending it out again to battle. If ever we lose the command of the sea, what becomes of this country? Only let hon. Gentlemen consider how dependent we are for everything that constitutes national wealth—aye, and a large portion of national food, on free

communication by sea. We import about 10,000,000 quarters of corn annually, besides enormous quantities of coffee, sugar, and tea, and of cotton, which is next to corn for the support of the people, by enabling them to earn their food. Our wealth depends on the exportation of the products of our industry, which we exchange for those things that are necessary for our social position. Our exports amount to considerably more than 100 millions in value annually. Picture to yourselves for a moment such places as Liverpool, Bristol, Glasgow, and London, that is to say, the Thames blockaded by a hostile force. What would become of the industry and wealth of the country in such a case? The consequences which would follow the landing of any considerable hostile force upon our shores it is impossible to contemplate without fear and alarm—it would produce results which no Government and no nation by its neglect and apathy ought to render possible. Some gentlemen think that we keep up excessive peace establishments in regard to troops; but, at least, we ought to be prepared to resist whatever force can be brought against us. If London were in danger, what you would want would be to fight a battle, or two battles, or three, if you please—the first, I hope, would be sufficient—with the greatest amount of military force you could bring against the force that attacked you. But your army being limited in amount, and your military means limited, and your dockyards being points that require defence, the way to get the largest possible force to meet an enemy in the field is to make arrangements for requiring the smallest amount of military force to defend those important positions—your dockyards and arsenals. It is obvious that if large forces are required to defend your dockyards, you cannot concentrate for the defence of London that amount of force which would be necessary to meet an invading army. Therefore, it is demonstrable that fortifications for your dockyards—the effect of which will be to equalize by artificial means, for purposes of resistance, the smaller force within and the larger force without these fortifications—will be, in fact, means for the defence of London, because they will set free a large amount of force for the defence of the capital by operations in the field. There are those who say why should you confine your defences to such places as Portsmouth, Plymouth, Devonport, Pembroke, and the

like, and leave London undefended? Where are your fortifications for London? My answer to them is, that ditches and walls and bastions are not a defence for a great, vast city like London, surrounded as it is by districts as thickly populated as any of the villages in the interior. The only defence for London is an army in the field, and any means which enable you to make that army as large as your military establishments will allow are directly subservient to the defence of the capital itself.

Then we are told that we ought not to confine our arrangements to our dockyards, and other such points—that there are other places of great importance—Liverpool, for instance—a port of great wealth and importance; Bristol, Newcastle, and other sea-ports. My answer to those who make this objection is that we have not neglected these outposts, but that the defence of these great commercial towns need not be of the same kind and character as those required for your dockyards. These towns partake in a great degree of the nature of London. They contain vast populations, for whose supply it would be difficult to provide if they were surrounded by walled enclosures and were to stand a siege. They cover vast spaces of ground, with suburbs extending far beyond them; and fortifications, unless they stand on a space entirely free from houses, would be of no use. To defend those towns, therefore, against a force once landed, would be as difficult as to provide a similar defence for London. These towns, besides, are not likely to be attacked by an army landed for the purpose of occupying them. What Government at all skilled in military operations would think of sending a large force to attack Liverpool, even with the certainty of success? Liverpool taken, no doubt, would create a great deal of loss and injury to the district which surrounds it, but Liverpool taken would not have the same effect on the political condition of the country as London taken. It is clear, therefore, that the enemy who wanted to strike a blow would go at once to the heart of the country. He would go to London, he would not waste his time and throw away his resources by an attack on an outlying point. But we have taken measures—my right hon. Friend the Secretary for War is now pursuing them—to protect not merely Liverpool and Bristol, but several other important commercial ports, from the only kind of attack to which they are liable—the attack of small

squadrons for the purposes of mischief and for levying contributions, without any large force being landed. That protection can be given by batteries, either permanent or in the nature of earthworks, for which ample means can be provided in a different manner from that to which we resort for the dockyards. We have therefore thought it right to follow the recommendations of the Military Commissioners, and confine these proposed defensive works to the points which they have indicated.

There are many Gentlemen who think that the sum estimated by these Commissioners is excessive for the purpose. We can only judge of these things by comparison, and if we find that other countries have spent sums corresponding in amount for similar purposes, wanting them perhaps not so urgently as we do, it may be thought that the demand now presented is not out of proportion to the object to be attained. I have inquired what other countries have done in this respect, and I will give the House the result. In the first place, however, I should say that that portion of the Estimate of the Commissioners which applies to what they call armaments and floating defences—namely, to guns and floating batteries—is an expenditure which we think should properly come out of the annual revenue. In the course of the four years which will be required for the completion of the proposed works it is to be expected that, in the ordinary course of things, the artillery for these works will be completed, and it is not necessary to include those things in the sum which I propose to raise by terminable annuities. We are of opinion that, instead of £11,000,000 odd, which make up the total Estimate of the Commissioners, £9,000,000 would be sufficient for all the purposes which we contemplate in this matter. It should be remembered that out of that there is £1,835,000 taken for the purchase of land, part of which, no doubt, will have to be covered by works, but a considerable portion of which would be available for letting in a manner to produce some sort of return annually for the money expended. That will reduce the actual sum for works to £7,165,000. But what has France done in regard to these things?—France, which is not a country so likely to be invaded, not requiring so much defence—a country whose only accessible frontier lies between Belgium on the one hand, and Switzerland on the other—because an attack upon France by the Alps is now out of the question, and an attack from Spain

through the Pyrenees is an aggression against which no Frenchman would think it necessary to provide. In the year 1841 the French Assembly voted £13,255,616 for works, of which the fortifications of Paris alone cost £5,600,000, and the works, as I am reminded by my right hon. Friend the Secretary for War, were not done by contract to be paid for in the usual way, but the workmen employed were soldiers, who only received their ordinary pay in that capacity, so that the works cost less than they would have done if made by hired labour. Cherbourg has cost, from first to last, £8,032,000. France now feels that the great improvement in cannon and the greater range of missiles have rendered both Cherbourg and Toulon less secure from attack from the sea than they were before. Further works, therefore, at Cherbourg are going on, which I have included in this £8,000,000, and at Toulon other works are in progress, which will cost £475,000. What have the Netherlands done? At the end of the war it was deemed right to improve and extend the works of those fortresses on the frontier of the Netherlands, now forming part of Belgium, which were likely to be attacked by an enemy coming from the west. There was spent on those works £6,409,000. There was no land to purchase, the works were already existing, they had only to be improved and extended; there was less to be done on them than we have to do in regard to the works now proposed. How have the Germans thought in regard to these matters? The fortresses of Coblenz, Ulm, and Radstadt have cost £3,022,000; Posen, Königsberg, and another fortress not yet finished have cost £2,829,000. The works at Alessandria in Italy have cost nearly 7,000,000 francs. Russia, since 1813, has spent 7,250,000 on her fortifications, of which £2,000,000 belong to Cronstadt. My hon. and gallant Friend the Member for Southwark (Sir Charles Napier) can tell us how effectual those fortifications were. Other naval officers, too, can tell us of what value they were, for whereas we bombarded Sveaborg and destroyed it, none of our officers, gallant as they were and strong as were their fleets, were able to get near enough to Cronstadt to have a chance of attacking it with any success. And, Sir, Russia is not inactive now. During the whole of the last winter the most energetic means were taken still further to strengthen those works. Two thousand carts were employed all the winter in con-

veying across the ice immense masses of stone, in cases twenty-four feet square, to the extent of 14,000 cubic fathoms, sixteen tons to the fathom, so that when the thaw came they might sink and render the barrier in front of Cronstadt still stronger and more effectual to prevent approach on the north. I say, then, when we see other countries alive to the possibility of attack and laying out these sums on their defences, it really would be criminal in the people of this country if they were to neglect doing something of the same kind for the purpose of defending those most important positions on our coasts.

I have no doubt that when these works are completed, as I trust they will be in a short space of time, they will place us in a position of comparative safety. The destinies of nations are in the hands of a higher Power, but it is the duty of man to do all that he reasonably can to deserve the support of that protecting Power. When these works are finished, we may say—

—“Be gracious, Heaven!”

“For now laborious man has done his part.”

We shall have done everything that, humanly speaking, lies in our power to protect ourselves from invasion. If danger were to arise, I have no doubt we should be able to muster in the field a force sufficient to resist, and successfully resist, any invader who might present himself upon our shores. We should show that the British nation are, as they always have been, capable of making any exertion that may be required of them. At the beginning of the second act of the late war we had 470,000 Volunteers. Now, we have 130,000; but, if there were any imminency of danger, there is no doubt that that number would be double, or treble, or four times greater than it is at present. We should show that we have—

“The unconquerable will,

“The courage never to submit or yield,

“And what is else not to be overcome.”

But, with all that, I say that any Government who had this Report before it, who knew what our dangers and our necessities are, who knew what are the means of remedying and guarding against them, and yet should fail to call upon this House to furnish it with the requisite resources for providing those defences which are indispensable, would be betraying its duty, would be guilty of a high crime and misdemeanour, and would deserve—I say it not as a mere metaphor, but in sober,

solemn earnest—would deserve the penalties of impeachment. And I cannot believe that any House of Commons to which this proposal is made would do otherwise than respond to the feeling of the country by adopting it. I am quite sure that any House of Commons which should have that appeal made to it, and should turn a deaf ear to it, would lose irretrievably and forever the confidence and good opinion of the nation.

Sir, I now beg to submit the Resolution with which I shall conclude, namely—

“That it is the opinion of this Committee that towards providing for the Construction of Works for the Defence of the Royal Dockyards and Arsenals, and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum not exceeding £2,000,000”—

which is the sum we propose to take for the present year—

“be charged upon the Consolidated Fund of the United Kingdom; and that the Commissioners of Her Majesty's Treasury be authorized and empowered to raise the said sum by Annuities for a term not exceeding thirty years, and that such Annuities shall be charged upon, and be payable out of, the said Consolidated Fund.”

Sir, the course we propose is this—We do not ask the House to vote at once the £9,000,000 which we think will be requisite for the completion of these works. The works will necessarily be spread over three or four years. We think that £2,000,000 are as much as can advantageously be spent between the present time and this time twelve months. We therefore limit our present demand to that amount, reserving it to ourselves, if we should be in office, or to those who may succeed us, to apply annually to Parliament for such other portions of the £9,000,000 as may be found necessary in each successive year. There will be laid before Parliament each year an account of the application of the money so voted. I propose to bring in a Bill which will, in fact, be an Appropriation Act for this purpose, by which the money thus raised shall be paid into a separate account kept distinct from the ordinary revenue of the country, and which shall be strictly applicable to these purposes and no other. An annual account shall be laid before Parliament for each instalment. I do not now pretend to say the exact amount of annual interest at which these £9,000,000 of terminable annuities may be raised. That will depend on the state and circumstances of the market. But it happens that there are terminable annuities which were raised for a period of forty-four years in 1823, and which will therefore expire

in 1867, involving an annual payment of £580,000. Well, it is quite clear, whatever may be the rate of interest at which these terminable annuities may be disposed of, that the aggregate charge for the whole £9,000,000 will fall far short of the £580,000 which will drop in 1867; so that the only additional charge beyond that now incurred which will arise from this measure will be limited to the interval between the present time and the year 1867. In 1867 these other terminable annuities will drop in, and from that period to the end of the thirty years for which these new annuities will run, only a portion of that £580,000 will remain as a charge upon the public. I think that the course we have proposed will, on the one hand, provide adequately for the defence of these various important positions, and, on the other, will involve as small an annual charge on the country as it is possible to impose. The £2,000,000 which we ask at first will be applied more or less to all the different places which are pointed out in the Report of the Commissioners. It is obvious that that sum will not be sufficient for undertaking all the works so recommended; but as those works cannot all be undertaken at once, we think the £2,000,000 will suffice for our present purpose. There will be laid before Parliament a schedule to show in what proportions the £2,000,000 will be divided among these different places. Sir, I hope the Committee, notwithstanding the *caveat* of the hon. Member for Birmingham, will be disposed to agree to the Resolution tonight. There will be ample opportunity, on the Resolution being reported, and on leave being obtained to bring in the Bill, and in Committee for discussing the whole matter at length. The Session is far advanced, and it is essential that Parliamentary authority should be given to the proposal without any delay that can reasonably be avoided. At the same time we have no wish to deprive hon. Members, or the House at large, of all those proper opportunities for discussion which are naturally demanded upon a measure the importance of which we are far from seeking to underrate.

Motion made, and Question proposed,

“That it is the opinion of this Committee that, towards providing for the Construction of Works for the Defence of the Royal Dockyards and Arsenals, and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum, not exceeding two million pounds, be charged

upon the Consolidated Fund of the United Kingdom, and that the Commissioners of Her Majesty's Treasury be authorized and empowered to raise the said sum by Annuities for a term not exceeding thirty years; and that such Annuities shall be charged upon and be payable out of the said Consolidated Fund."

MR. HUBBARD said, he wished to say a few words on the latter part of the Resolution, and the mode of raising the money. If it were thought desirable to raise it in the most economical way, the House would certainly not resort to terminable annuities. The holders of those securities had so often suffered, that no capitalist would now lend money on them without taking a large margin indeed for the risk to which he was exposed. A large allowance would be insisted on not only for the continuance of the present income tax, but also for the possible increase of that impost. It would be impossible to borrow money in the way proposed by the Government without losing a sum of from 5 to 10 per cent on the total amount of money they were to receive. By adhering to terminable annuities, he did not think it would be any exaggeration to say that out of the whole £12,000,000, they would throw away £1,000,000. The noble Lord had referred, by way of analogy, to the practice of landowners charging their estates for the improvement of their lands; and he wished to call the attention of the House to the difference that existed between that case and the course proposed by the Government. The landowners did not borrow their money on terminable annuities; they made provision for repayment of the loan, capital, and interest in a given term of years. If the House was prepared to follow that course, let them propose to pay back the sum in yearly instalments. Landlords who borrowed money to improve their estates did not adopt the form of terminable annuities; but that of loans repayable in a certain term of years, capital and interest. Why should the noble Lord not resort to the more productive medium of Consols? He was aware of the answer he would receive—that it was desirable to throw the burden on the present generation, and for that purpose the noble Lord proposed that the sum should be repaid in thirty years. Well, that might be an excellent plan; but what did it imply? It implied this—that they could not trust the House of Commons to provide the funds for repayment year by year. And what security for the repayment of the loan would be obtained by borrowing it through

the medium of terminable annuities? What were they told by the Chancellor of the Exchequer in bringing forward his Budget? That we had £2,000,000 of Long Annuities falling in. But what were we called upon to do now? To borrow £2,000,000 more. Therefore, what was the virtue of such a mode of borrowing? We could never repay our debts if we were in a position to be obliged to borrow again. The only mode of repaying debts was by their repayment out of surplus revenue, which we could only obtain by economy in the management of our expenditure. It came to this—if the House doubted that its successors would have the good sense and intelligence to repay the loan out of surplus revenue, let them accept the proposition of the noble Lord; but if they were of his opinion, that it was useless to fetter themselves by engagements of this kind, which they could not force themselves to keep, let them not borrow the money in a manner which would, upon the whole amount, add many hundred thousand pounds to the cost of these works.

MR. BRIGHT: I shall not go into the point to which the hon. Gentleman has referred, nor to that which is a thousand times more important—the proposition of the noble Lord; but I will undertake to say that, during the seventeen years that I have sat in this House, a question of this character, of this magnitude, and involving the expenditure of such enormous sums of money, has never before been brought forward without notice, and the House been asked to adopt it the same evening. The noble Viscount speaks of £9,000,000 or £12,000,000; but it is impossible for any one who has read that Report, and knows what we all do of public works, not to come to the conclusion that in all probability there will be an expenditure of double that amount. I believe that as sure as you commence those works, instead of spending £12,000,000, you will spend £24,000,000; and, without reference to the principle of the matter at all, I am not at all prepared to give my sanction to a Resolution like that, which has never been placed upon the table of the House, which we heard for the first time from the lips of the noble Lord at the conclusion of his speech, and which involves the House and the country in so enormous an expenditure. I will not go into the question as to whether or not it is necessary that anything of this kind should be done. In the name of the House I protest against its being entrapped, if I may use such a term,

or invited, or cajoled into agreement to a Resolution of this kind without notice. I shall not even say what I think of the tone and manner of the speech of the noble Lord. He will hear of them on another occasion, no doubt. I shall content myself with moving that you, Sir, report Progress and ask leave to sit again; and I beg to state that I shall divide the House upon that question, that if there are Gentlemen in the House who will support me, and the Resolution is pressed to-night, the Committee will have the pleasure of dividing a good many times before it is agreed to.

MR. SIDNEY HERBERT: I think it is but fair that the Committee should be in possession of some of the details of the plan as it is proposed to be carried into effect by the Government, before they are called upon to vote for the Resolution which has been proposed by the noble Viscount. It is difficult, in discussing so large a scheme, to make oneself intelligible to the House, but I will endeavour to point out what are the portions of the scheme to which the Government attaches the greatest importance, and which they propose to take first, partly because of their importance, and partly because there is, for obvious reasons, great facility in commencing them. I observe that many hon. Members have in their hands the Report upon which the recommendations of the Government have been founded, and if they will follow me I will explain as shortly and as clearly as I can what are the works which we propose to take first. The whole sum which the Government asked to be voted this year, and to be raised by terminable annuities, is, in round numbers, £2,000,000; but that is not the whole sum which they intend to spend within the year if the House should sanction their proposal. There is upon the Estimates which have not yet been laid before Parliament, except a lump sum for fortifications in the ordinary Army Estimates, a sum of about £450,000, which is to be devoted to carrying on some of the very works which are included in this general proposition. The Commissioners, it will be observed, give two distinct sets of Estimates, one for the completion of works now in progress, and the other for the erection of works not yet begun. If you add the £450,000 charged for works in progress in the ordinary Army Estimates, you will find that the sum proposed to be expended in the year will amount to about £2,500,000.

Mr. Bright

Now, Sir, I suppose there can be no doubt about this, that of all the places to be defended Portsmouth is the most important. All I believe are agreed about that. Therefore, we propose to deal almost entirely with the sea defences at Portsmouth, and to commence the works covering a great part of the land faces. Now, I have heard it said that the defence of Portsmouth ought to be by a fleet. [Sir CHARLES NAPIER: Hear, hear!] The gallant officer has said that, but I think that I shall have him on my side if he reflects what is the main object of a fleet, and what is the main object of a dockyard. You want your fleet to be constantly moving about, and if once you are induced to defend Portsmouth by a fleet at Spithead you have lost that fleet. You are then endeavouring to do the work of permanent fortifications with perishable materials such as ships. Those ships are invaluable because they have the power of moving to whatever point requires immediate defence, but if you condemn them to be the fortifications by which your dockyard is to be defended you cannot move them, and lose that which constitutes their chief value. What is the object of a dockyard except to make a fleet? But if the object of a fleet is to defend a dockyard, it would be cheaper and better to have neither one nor the other. You must defend that which makes the fleet by something other than the fleet which is made by it. You must be able to send your fleet at a moment's notice to act hostilely against the enemy; but in order to do that, you must have something left behind which shall not be moveable, which shall be permanent, and be capable of defending these dockyards. I am going to say one thing upon this subject which it is necessary that I should say, because I anticipate the objections which will be raised to-night. I know it has been stated, and especially with regard to Portsmouth, that there are in the evidence the opinions of naval men pointing out the weakness of its present defences and showing how it might be attacked, and it has been asked how can the Government take the responsibility of showing up the weakness of these defences when information may by that means be communicated to our enemies? Well, Sir, in a constitutional Government we must risk a great deal. If the House of Commons is to deal, as I hope it will deal, in a generous and patriotic spirit with this question, you must take it into your confidence. You

cannot use reserve; you cannot say to this House, "We call upon you to spend large sums, but we will not show any justification. You must take it upon trust. We will not tell you how the money is to be expended; it is a question of confidence in the discretion of the Government." The House of Commons would rightfully say, "Lay before us the materials upon which you formed your judgment, in order to enable us to form one for ourselves." In this country you must deal with Parliament in that spirit at whatever risk; and it would be an immense risk, if you had a doubt about the success of the measure. But I have no doubt as to the success of the measure. I do not care about showing up the weak places, if I know that you will assist the Government to make them strong. That is the proper way in which to meet this difficulty; a difficulty upon which we had to decide, but in regard to which I believe that we have decided rightly, because I am confident that the country will be disposed to forward the efforts of the Government to put the dockyards in a state of security. At Portsmouth we propose to proceed first with the sea defences, and the landing places in the Isle of Wight, which, after all, is the breakwater of Portsmouth harbour. We propose to take three out of the five points proposed for defence at Spithead. I will not quote from the evidence; but hon. Gentlemen who have read the Report, must have seen that naval men tell us that the anchorage of Spithead is not a safe one. Steam has come in there again, and would enable a hostile navy to make a rapid invasion upon that anchorage. Spithead is a harbour not only for ships of war, which can defend themselves, but also for merchant vessels taking refuge either from bad weather, or from an enemy in the Channel. We take these three works out of the five which have been proposed, because about them no doubts have been expressed. As to the work upon the Spit, I believe that some doubts have been entertained. It has been said that it would be a buoy to lead ships in. For my own part, I do not attach much importance to that objection. There are buoys which are very unattractive to hostile ships. Vessels do not like to come near great tiers of guns, and at night there would be no lights in these works. The marks by which a hostile fleet could attack Portsmouth at night, would be the lights in Portsmouth and Gosport, and not any in the towers

upon those shoals, which in themselves would not be visible. We propose, also, to complete the works at Gosport, which are now very much advanced, and to go on with the defences to the northward, taking not the whole number of forts upon the plan, but five instead of eight. We propose to finish other works at Portsmouth, and that will be all that will be done this year at that place. The cost of the works at Portsmouth, when completed, will be £1,920,000, including the purchase of land. [SIR JOHN PAKINGTON: This year?] No; for the completion of the works. The sum to be spent this year will be about £540,000.

At Plymouth we propose to take the sea defences,—that is, the work behind the breakwater, and the work upon Staddon Point, and the three works to the north-east, defending it from any force which might advance from Torbay. All the works, when finished, will cost £1,200,000, of which we shall this year spend something like £300,000.

At Pembroke it is proposed simply to have some works at the landing places in the neighbourhood, and to erect a work on the north, which will stand upon an eminence, and arrest the progress of any enemy who may advance from that side. Those works, when completed, will cost about £220,000, of which we propose to spend this year about £130,000.

I think no Gentleman will deny that whatever is to be done for strengthening the Thames, ought to be done at once. We propose, therefore, to take £180,000, of which we shall this year probably not be able to lay out more than £40,000, or £50,000. The same applies to Chatham and the Medway. At Dover it is proposed simply to hasten the existing works, and to commence a work on ground above which commands the castle; and the same course is to be pursued at Portland. It has been proposed by the Commissioners to make a large purchase of land at the latter place; under the impression that, some time or other, there will be a naval establishment there. The Government, however, do not intend to carry that proposition into effect; because it would be impossible to defend from bombardment from the seaward any works in the nature of an arsenal or a dockyard which might be erected at Portland. We wish Portland to be made perfectly safe as an anchorage, but we do not contemplate making a large naval establishment there. Portland would

be open to the same objection as Sheerness, and would be constantly exposed to be bombarded from the sea without any power of resistance. The only other works which I have to mention are those at Cork, where there is a magnificent harbour, and where we propose to erect works which will ultimately cost £120,000; of which about £20,000 will be expended in the present year. We believe the works at Cork will put that harbour in a good state of defence. I know not whether the Committee now clearly understand what are the works which the Government intend to commence at once; but I may say generally that they are the sea defences everywhere, partially the land defences at Plymouth and Chatham, and nearly the whole of the land defences at Portsmouth. Those are the works which will be commenced in the present year, and which will ultimately, when completed, involve us in an expenditure of nearly £5,000,000.

The hon. Member for Birmingham (Mr. Bright) says he knows what public works are, and he will be much surprised if we get out of these under £24,000,000, instead of £12,000,000. The Government have excluded from their proposals the cost of everything which is perishable. It would not be honest to saddle posterity, even in the limited form of terminable annuities, with a charge for that which perishes soon after it is created. Armaments are perishable. Your cannon become useless and unserviceable after a few years. Floating batteries, which are proposed as one means of defence, and which are popular with many gentlemen, would cost more than solid defences, because they are like ships, which live only about thirty years. At the end of that time, having cost an enormous amount for repairs in the meanwhile, they would have to be rebuilt. There is a further disadvantage connected with floating batteries. At present we know little as to the way of making them invulnerable by iron coating, and if it should turn out that a floating battery was not invulnerable one unfortunate shot might send the whole concern to the bottom—men, guns, and all. The Committee will see that there is an immense risk attached to floating batteries, which does not apply to solid defences. All the works we propose will be of a lasting and permanent character. The estimates, moreover, have been framed studiously and on purpose upon the largest possible scale.

We have taken a very large sum for the

Mr. Sidney Herbert

purchase of land, and I intend to introduce a Bill which will give us a power that, under the Defences Act, the Secretary of State does not possess. It will enable us, where we want land as a *rayon* around a work, not to purchase the fee-simple, but to buy up the building rights, paying the difference of value between agricultural and building land. There will be considerable advantage in that provision. It will prevent us from purchasing more land than is absolutely necessary for our purpose, and, as most of the places where the contemplated works are to be erected are Parliamentary boroughs, it is neither wise nor wholesome that Government should become large landed proprietors within them. Public opinion, moreover, is subject to sudden changes. We recollect the time when there were no apprehensions of war, and when, in consequence of the economical notions which prevailed, land of immense value to the national defence was sold. The Committee will understand that it would be much less lucrative to sell a right of building upon land than the land itself, and therefore we shall not be exposed to one very obvious temptation. As I have said, the estimates are very large, because our defences ought to be made as perfect as possible; but still the Government, as they were bound to do, have exercised a discretion, especially on the land side, as to whether or not, looking at the probabilities of attack, the whole of the works recommended by the Commissioners are absolutely necessary. The consequence has been that where there has been a doubt between engineer officers as to whether additional works are wanted or not at any given place we have decided in favour of the negative view. Hence I have little doubt that the estimates we have framed will be found more than sufficient to meet the expenses of the proposed works, and at the conclusion of the business we may discover that we have spent less money on the defences than was originally contemplated.

Let me say a few words upon a question which has been very much discussed—the defence of London. It has been asked while you are doing so much for the dockyards and arsenal why do not you do something for the defence of London. Undoubtedly that is a very popular view. But how is that defence to be accomplished? A writer of great ability, and an eminent military authority, in a popular periodical has proposed to defend London by six forts

placed apart at distances of something like seven or ten miles. What military commander, bent upon entering London, would stop because he knows he has got two small forts, one on either side of him, each five miles off? Such a defence would not, I imagine, shake his resolution to make a raid upon London. But it is proposed that the forts in question should be built for fabulously small sums. The land, for example, is to be got for £200 an acre. I know something about the purchase of land in the immediate suburbs of London, and I say you would be more likely to pay from £2,000 to £5,000 an acre. Moreover, the very places you would select for your forts are just the sites which, from their height and picturesque character, are the best suited for villas and expensive gardens, and which consequently bring the highest price. The *zone* around London is far more valuable than that around any other town in the world. Each fort would require to be surrounded by a clear space; in fact, you would have to make a kind of desert round London, and the land would have to be purchased at a cost so enormous as to render the completion of the scheme impossible. Talk of locking up men! That is the objection taken to the plans of the Commissioners. I am not certain whether it is a sound one. The plans have been modified, and a less force of men will be required than that contemplated by the Commissioners. We have to consider the relative expense of men and works. When works are cheaper let us take works; when men are cheaper let us take men. It so happens we are strongest in raw levies. Raw levies cannot be manœuvred in the field, but they may make a brilliant and successful defence behind works. The most untutored nations in the world—the Turks for instance—fight stoutly behind works, but they will not stand in the field. So your irregulars and raw levies should be used to defend your arsenals and dockyards.

But it is said that there is no necessity for solid and permanent fortifications. Napoleon, however, used to say that it was dangerous to trust to earthworks which are to be got up on a sudden, unless there is a strong force behind them. It has been stated that Sebastopol is an instance of a successful defence made by earthworks hastily erected. But those earthworks were not erected on a sudden. We were never able to force the sea defences, regular fortifications, which were eminently successful, and we gave the

enemy three weeks or a month to make their land defences. That is a peculiarity in the case, and I believe that if Sebastopol had been defended by permanent works on the south side, to which we went because they were strong fortifications on the north, it never would have been attacked at all. Such a step would have been looked on as impossible. Napoleon observed that a provincial militia was a force to defend strong places. Keep your good troops in the field, he said, and place your militia in works where they are as good as the best soldiers in the world. That is my belief, and for the very reasons why it is cheaper, better, and more secure to defend your dockyards by permanent works, I think it would be impolitic to adopt the same course in the case of London.

I am sure the more the Committee reflects on the proposals of the Government and examines the plans of the Commissioners, the more it will be satisfied that we have taken a wise and politic course. It was an argument prominently put forward in Mr. Pitt's time, though I do not expect to hear it repeated now, that you cannot trust the Crown with the possession of places so strong, because they might be used as positions of aggression against the people. I do not think that any man in his senses would think of using such an argument in the present day. It had, however, a great effect formerly, and Mr. Pitt's plan to fortify Portsmouth and other places was defeated. It has been since said that this was a fortunate circumstance, because otherwise a considerable expense would have been incurred and we should have had to make other works over again. That, however, is not so, for Mr. Pitt's plans showed great foresight and judgment, and a great many of them are being executed at present. Though you are now compelled to extend your fortifications further, owing to the longer range of guns, and to defend yourselves by detached forts, instead of continuous lines, yet it is always an advantage when you have detached forts to have an inner line to fall back upon. It is highly important that those places where the means of your power are produced should have every appliance which skill and art could produce to make them secure. I will not delay the Committee longer, but I cannot sit down without expressing my earnest hope that they will consider this question to be, as it really is, a national question. Last year, when my gallant predecessor moved the Army Estimates, I was

struck by an observation of his to the effect that the House should make up its mind what to do with those fortifications, and not go on peddling with small sums year by year; but that if the fortifications were necessary they ought to be completed at once, and if not they ought to be abandoned. The right hon. and gallant Gentleman repeated the observation on another occasion on the question being mooted by the right hon. Member for Stroud (Mr. Horsman) when I had the privilege of taking part in the discussion. I had already made a proposal to the Government on the subject; but I thought it necessary to be strengthened by the report of men eminent in science, and I believe that thereby we have found the means of making an enormous improvement in the security of this country. I have laboured at the matter with great anxiety, and I confess I should despair of this country if I thought the people would hesitate to make the sacrifice we ask. Of course, a large expense is to be incurred, and to be defrayed not in the cheapest way—by means of terminable securities. It is said that the money may be had more cheaply and easily by means of Consols. No doubt; but is it not important to show that we are not imposing a burden on posterity and making no effort ourselves, and that this is an exceptional and extraordinary proceeding? This country, looking at these questions with an anxious mind, is determined that the kingdom shall be put into such a state of security, that nothing less but enormous preparation, attended necessarily with due notice, should be able to produce a force that could make an impression of a permanent nature upon it. If these works are put into a thorough state of defence you may rest on your pillow in the confidence that Portsmouth or Plymouth, if attacked, will be able to defend itself, and you may then concentrate all your energies upon the defence of London, if you think it likely to be attacked. Portsmouth, Portsdown, Dover, and Chatham are really the great outworks of London, and you are not neglecting London or the navy when you are doing these things. I am sure that the Government have no wish to force this proposition in a hurry through the House, and if hon. Gentlemen wish for time to consider, it will not be denied them. I hope they will give the subject the most earnest attention, confident that the Government will not be deserted by the generosity and patriotism of the Parliament and the people.

Mr. Sidney Herbert

GENERAL PEEL said, in his opinion the great principle to be laid down with respect to the national defences was that, so far as human foresight and means could provide, the Government of the day should be responsible for their sufficiency. When he said that he did not mean a mere nominal responsibility, which as they saw was but too often placed on the Government for their acts. No punishment could be too great for that Ministry who, by neglecting the construction of needful works, allowed such a misfortune to occur as that of the Metropolis falling into the hands of an enemy. He thought that that House and the country had a right, in return for the large sums of money they had willingly voted, to expect that the nation should be placed in a state of defence, and made secure against the danger of any attack. The country would be willing to see any money voted to secure that object, and in throwing the responsibility on the Government he could not, for one, refuse to grant them the means to provide for the protection of the country. He did not think it wise for individual Members of Parliament to take upon themselves, however competent to form an opinion, to criticise these plans, or to quote military authorities who did the same thing. Let the Committee remember that such persons were not responsible, and that the plans under consideration were proposed by men responsible for the advice they gave. It was this responsibility that he wished to insist upon, not only for the plans themselves, but for the construction of the works to be carried out. The fault of the military administration of this country had been that when a great error was committed it was not possible to place one's hand on the responsible person. Now, he hoped with respect to these large works, for which the House was called upon to vote so great an expenditure, that, at all events, there would be some person responsible to the House for seeing that this large sum was spent to the best advantage. He observed from a paper placed in the hands of hon. Members that day that the Defence Committee expressed themselves entirely in favour of the views of the Royal Commission; but they said, further, that, either with or without fortifications, there must be a great addition to the regular army. The total of Her Majesty's forces, including 15,000 of the local European forces in India, was 245,000 men. If, then, the largest number of

troops which it was reckoned could be required in India were maintained there—namely, 80,000—the average number required in the Colonies and our military stations abroad being 40,000, that would leave a body of 125,000 regular troops in this country. To these must be added 17,000 pensioners who were available for garrison duty, as well as that portion of the army of India who must always be in depôt here. This would leave us 150,000 regular troops, and, after making all deductions, we should be able at short notice to bring into the field 80,000 regular troops, including the finest artillery in the world, and, he believed, the finest cavalry. This was exclusive of the Militia, and of the magnificent auxiliary army which had been recently created, and which, on an emergency, might be increased to hundreds of thousands. If all these resources were properly organized, there would be no reason for the least alarm. But the safety of the country depended materially on the organization of our army of reserve, and he confessed that he was not satisfied that the proposed plan for reorganizing the Militia would render them as efficient as they ought to be. No doubt they would be made as efficient as it was possible for any men to be who received only twenty-eight days' drill in the year; but in his opinion the army of reserve ought to consist entirely of regularly drilled soldiers. Depend upon it if their services were required there would be no time for preparation. There would not be six months' notice of any war. It would be a word and a blow, or very probably the blow would fall without the word; and under those circumstances he was afraid that the training of the Militia would be found insufficient. That, however, was a subject on which he should have future opportunities of speaking. He would only now say that those who sat on the benches around him saw no reason for postponing this Vote, and thought the Committee might very well come to an immediate decision.

MR. BERNAL OSBORNE: The very able and concise statement of the noble Lord opens such new, and, to my mind, such alarming considerations, that it is impossible to suppose, after that speech, that we can have the same friendly relations with France which existed at the beginning of the Session. Sir, I do not think the House ought to legislate on a sudden. I expressly guard myself from saying that I do not approve parts of the noble Lord's

plan. At the same time I can conceive nothing more detrimental to the character and the weight of this House than to legislate under the pressure of a sudden panic, which I conceive we should be doing if we at once rush to a vote on this question. How stands the case? My hon. Friend (Mr. Bright), with whose general views on this subject I do not agree, has said that during the time he has been in Parliament he has never known such a course taken. I challenge any hon. Gentleman to say whether, since this was a House of Commons, any Minister of the Crown has ever come forward suddenly with a Resolution which had not been upon the table before, and asked for an immediate vote upon that Resolution. I do hope, from a few observations which fell from the right hon. Gentleman (Mr. S. Herbert) at the conclusion of his speech, that the Government do not intend to press us for a vote to-night. He said he was sure that the more the House reflected on this statement, the more wise and politic they would consider the proposed plan to be. If that be so, why should not the right hon. Gentleman postpone the vote and give us some little breathing time? I do not say that I shall not support the right hon. Gentleman. All I ask is that we may not expose ourselves somewhat to the sneers of foreign nations, as well as to the distrust of our own constituents, by immediately rushing to a precipitate vote. What is it we are about to do? It is true that to-night we are only asked to spend £2,000,000; but does not every one feel that this is only the beginning of an enormous addition to our expenditure? The noble Lord has very well laid down his plans, but has altogether kept out of sight the troops for which we shall be asked. I believe Cannock Chase, also, is not included in the Vote. [“Yes!”] Well, I will throw Cannock Chase in; but I say we shall not be consulting our own dignity as a deliberative assembly if to-night we agree to a Resolution which we have never seen or heard of before. It seems now that the blue-book was known to the Government as early as the 7th of February. Since then we have had a Budget brought forward, in which most material financial changes were introduced, the Ministry knowing at that time that this call of £11,580,000 would be made. They were perfectly aware of all this, and yet on the 23rd of July the House is called upon, for the first time, not indeed to take their proposals into consideration, but to

give without notice an immediate vote ; and we have hon. Gentlemen getting up under the influence of a panic. The delay of this Resolution for three or four days cannot be of the slightest possible moment. The fortifications are to occupy four years, and I think it will not be becoming the House of Commons to decide so hastily. I do not wish to be placed in a position hostile to the Government on this question. On the contrary, I hope to be able to give them my support ; my only object is to press for the postponement of the Resolution. I will only add one word with regard to the publication of the Report of the Commissioners. The right hon. Gentleman the War Secretary has said that in a constitutional Government you are obliged to make these matters public. To that doctrine I cannot assent. I believe in all warlike operations that the one essential thing is secrecy. If we are to publish our weak points to all the world, we invite all the world to attack us. When the Duke of Wellington formed the mighty lines of Torres Vedras, an operation which occupied more than ten months, Massena was not a bit aware of them, nor was their existence known to any persons in the English army, except the members of the confidential staff. That is a sufficient answer to those who defend the publication of the blue-book. Those lines at Torres Vedras saved the liberties of the world, because if Spain and Portugal had fallen at that time, the whole world would have been in the grasp of the first Napoleon. I look upon the publication of this Report as most mischievous. However, that is done and cannot be undone ; but with regard to the Resolution, I do hope the noble Lord will not to-night call upon us to vote upon it.

VISCOUNT PALMERSTON: I think the argument of my hon. Friend (Mr. Bernal Osborne) is rather at variance with the course which he suggests. He finds fault with the Government for having given in too much detail the reasons why they propose the Vote, and at the same time he objects to the Vote being taken to-night because, he says, the Committee have not had sufficient time to examine into those details. Now, if there was any force in the argument of my hon. Friend, he ought to be prepared to vote the money on terms of general confidence in the Government, upon our declaration that we think such a sum is necessary for the defence of the country, and without calling upon us to say why we think it necessary. I there-

fore claim the vote of my hon. Friend on his own argument. It is really not fair to say that we are calling upon the House of Commons to act on a sudden panic. This Report has been for some time before the House. It gives all the details, and those who have read it are just as wise on the subject now as they will be this day week. Then, again, my hon. Friend says that after my statement this evening it is hopeless to expect the continuance of any friendly relations with France. Why, the only foundation for friendship between equals is perfect frankness ; and, so far from the fair statement of what we intend to do for our own defence being the ground for bad relations between us and France, I say that not only the statement made to-night, but the works which are to follow that statement, are the only foundation for real and substantial friendship with France. I am quite sure that if we press this question to a division it will be carried by a large majority ; but I am far from wishing to call upon hon. Members for a decision which they are not immediately prepared to come to. I concur entirely with my right hon. Friend (Mr. Sidney Herbert) in thinking that the more the House reflects on the matter, the more completely they will come round to our proposal, and that they will be more ready to assent to it this day week than they are now. I am prepared, therefore, to yield to the request which has been made, and to move, Sir, that you report Progress now, and that the debate be resumed this day week.

MR. NEWDEGATE said, he rejoiced that the Government had at last determined to carry out the recommendations of the Commissioners. It was impossible to forget that in 1847 the Duke of Wellington warned the country of the necessity of preparation. He was certain that the country would respond to the appeal of the noble Lord.

MR. DISRAELI: I do not intend to trouble the Committee upon the particular question before us. I will only say that as to the mode in which this money is to be raised I confess I have great doubts of the wisdom of the plan, and I should like to have heard the opinion of the right hon. the Chancellor of the Exchequer upon that point. But what I want to ask is, now that this change has taken place in the business, can the noble Lord fix a day when the new paper duty will be taken ?

SIR GEORGE LEWIS: My right hon. Friend the Chancellor of the Exchequer is

Mr. Bernal Osborne

not here, and, therefore, I cannot say when the paper duty will come on. The Indian Army Amalgamation Bill is fixed for Thursday, and Friday is a private night. I must make one or two remarks upon the mode in which it is proposed to raise this money. In the first place, although my noble Friend stated that the plan contemplated ultimately an expenditure not exceeding £9,000,000, all we pledged the House in this year is to consent to raise £2,000,000 on terminable annuities. There is no doubt an equal sum might be borrowed on Consols at a somewhat less annual charge. Terminable annuities are not the most saleable stock. In general, assurance companies alone deal extensively in them, and the public will not take them except at a higher rate, although not a considerably higher rate than Consols. But let the Committee consider the alternative. If we had proposed to raise this money by creating an amount of Three per Cent Consols or Exchequer bonds or bills, it is certain that it would form an addition to the permanent debt of the country, and that the public would not consent to raise the funds for extinguishing that debt in the present generation. The Committee will remember that an attempt was made during the last war to create a charge on the Consolidated Fund for the gradual extinction of a certain debt in Consols, but that Act had not been in existence three years when the right hon. Gentleman opposite, the then Chancellor of the Exchequer—I do not say without necessity—came down and proposed the repeal of that Act. Even this year it is proposed to renew a debt of a million in Exchequer bonds, and there is no reasonable prospect, unless you compel this House by the terms of the contract to repay a portion of the principal periodically, that the money will ever be repaid. The advantage of terminable annuities is this,—although it costs you something more when you borrow in that form, yet the excess of charge is not considerable; you make it necessary that a portion of the principal should be repaid every year, together with the interest. The essence of terminable annuities is that on the repayment principal and interest are confounded. That mode of compelling the public to repay the principal of the debt seems to me to be well suited to the present occasion, when we are departing from the ordinary course of defraying the current service of the year by contracting a loan. Although I admit that terminable

annuities are not the most economical mode of contracting a loan, yet that plan seems to me to have an advantage in compelling the Government which contracts the loan to specify in the contract, which cannot be broken without a violation of national faith, that a certain portion of the principal shall be repaid each year, and I should be glad to see a considerable portion of our national debt converted into terminable annuities.

MR. DISRAELI: I am sorry again to trouble the Committee upon the same subject, but it appears to me that, at this period of the Session, the House has a right to expect something more definite than the statement we have already heard of when the paper duty will come on. Can the noble Lord tell us when will be the next Supply night, and will the paper duty be taken then?

VISCOUNT PALMERSTON: I cannot state with certainty now. I will state to-morrow.

MR. BRIGHT: I wish to ask when the right hon. Baronet the Secretary for India intends to make his statement respecting the finances of India. I understand there is a deficit of £7,000,000, and therefore it is probable that a loan will have to be contracted. That is a question which should not be deferred until the last day of the Session.

VISCOUNT PALMERSTON: In the absence of my right hon. Friend I cannot give an answer, but the day when my right hon. Friend will bring on his Indian Budget must depend upon the other business. I will state to-morrow what will be done.

MR. J. L. RICARDO remarked, that he thought terminable annuities an extravagant and wasteful mode of raising money. Terminable annuities had been a sort of sinking fund, for while they had been paying those annuities they had created Consols. They paid money on the one hand and increased the debt on the other.

MR. CONINGHAM said, he wished to express his satisfaction that the noble Lord at the head of the Government had acceded to the request of the hon. Member for Birmingham. He had little confidence in bricks and mortar for keeping this country safe from foreign aggression. We had had some experience in this matter. An enormous sum had been expended in the creation of extensive works for the defence of the Channel Islands on the recommendation of the Duke of Wellington; but the late Mr. Stephenson, after a cruise round those

islands, said every shilling that had been spent was thrown away. He had more confidence in the spirit of the country and the volunteer system, which he thought might be rendered much more effective by giving facilities to the working classes to join in it, than he had in fortifications. The improvements in gunnery had already rendered the fortifications at Portsmouth useless, and it might therefore easily happen that, after we had expended large sums on our national defences, we might find that our money had been thrown away, and that we had the work to do over again.

SIR STAFFORD NORTHCOTE said, it appeared to him that there was a little discrepancy between the statements of the noble Lord opposite and the right hon. Gentleman the Secretary for War. The noble Lord said that £7,000,000 would be wanted for the fortifications, and the right hon. Gentleman said that about £5,000,000 would be required.

SIR GEORGE LEWIS explained that what his right hon. Friend (Mr. S. Herbert) stated was, that the works to be commenced this year would only pledge the House to an expenditure of £5,000,000.

SIR STAFFORD NORTHCOTE said, there was a Vote for fortifications in the Army Estimates to the amount of £600,000, of which £200,000 had been already voted. He wished to know whether they were to take that Vote in the lump or in detail, as was the practice on former occasions. The noble Lord said that something less than £500,000 a year would be necessary to provide for the terminable annuities. How, he (Sir Stafford Northcote) asked, was that sum to be provided?

SIR GEORGE LEWIS said, that the Vote in the Army Estimates for fortifications would be sufficient to cover the sum necessary for the terminable annuities for the year.

SIR LAWRENCE PALK said, it appeared to him to be an extraordinary fact that when a question was under consideration which belonged more particularly to one department of the Government the Minister in charge of that department should be unfortunately absent. The noble Lord's Resolution, if agreed to, would pledge the House to the expenditure of a very large sum of money. On such an occasion he thought it most extraordinary that the Chancellor of the Exchequer should be absent. He doubted not there were some excellent reasons for the

right hon. Gentleman's absence, but it seemed to him to be a fact not very respectful to the House or the country. He wished to point out to the Government the propriety of not dealing in a niggardly spirit with those from whom land was purchased for the construction of fortifications. It should be borne in mind that taking a portion of land for such purposes very often destroyed a great deal more for building purposes.

MR. EDWIN JAMES objected to that important question being discussed in a desultory and unsatisfactory manner. As the subject was one of the greatest consequence to this country and to its standing in Europe, it should be discussed in a serious manner, and after the Committee had had ample time to consider it.

MR. J. C. EWART said, he wished to point out the importance of converting steamboats at Liverpool into gunboats, for defensive purposes.

House resumed.

Committee report Progress : to sit again on *Monday*.

THE ECCLESIASTICAL COURTS.

RESOLUTION.

Order for Committee (Supply) read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. DANBY SEYMOUR said, he rose to move, as an Amendment, the following Resolution,

"That, in the opinion of this House, the state of the Ecclesiastical Law in England and Ireland, and of the courts in which it is administered, and especially the Act commonly called the Clergy Discipline Act, require to be amended and reformed, and that it is incumbent on the Government to direct a measure to be prepared for that purpose."

When in the early part of the Session he brought in a Bill to allay these dreadful disturbances which had taken place in one of the parishes of the Metropolis, he received a notice from the vestry of St. George's-in-the-East, to the effect that no remedy would be applicable while the Ecclesiastical Courts remained as they were. These Courts were still between 200 and 300 in number, 56 of them being Diocesan Courts. Every offence against ecclesiastical law was commenced in one of those courts, in which the Bishop himself did not sit, but the Chancellor or Vicar General, whose duty it was to advise the Bishop. A large proportion of those Judges were clergymen,

Mr. Coningham

but were possessed of the most slender legal attainments, and on the authority of Lord Cranworth he might say that in nine cases out of ten the rev. gentlemen were not properly qualified for their office. When the Bill of the noble Viscount's Government was introduced in 1856 great jealousy was evinced on the part of the Bishops at the increased powers proposed to be given to the Chancellors; but the object of the Bill was only to increase the authority of those functionaries and restore them to their ancient importance. It was proposed to reduce their number to six, and to pay them, not by fees, but by salaries of sufficient importance to attract to the office Judges of an ability calculated to bring the ecclesiastical law of the country into a creditable position. The present Chancellors were in most cases relatives of the Bishops; but considering the important duties they had to perform they ought to be Government and not episcopal appointments. The whole state of the ecclesiastical law was in great confusion, and those gentlemen might be well employed in reducing it to a system. In every one of the courts there was a separate registrar and staff of officers, some of whom received most lucrative allowances. In 1850 a Committee was appointed to inquire into the whole subject—that Committee was presided over by the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), and it was ascertained in the course of their inquiries that two ladies had held the office of registrar. In 90 cases the duties of the office were discharged by deputies, and in 17 cases minors had been appointed registrars. The registrar of Norwich was the Rev. E. Bathurst, who was appointed at the age of ten, in June, 1825, and his income was £1,427 8s. 9d. per annum. The registrar of London was the Rev. R. Watson appointed at the age of eight, on the 20th of July, 1776, and receiving £495 a year. The registrar of Winchester, Mr. Brownlow North, was appointed in December, 1817, at the age of seven, in reversion, and of fifteen when he came in possession of his office; his income was £860. The registrar of Llandaff was also appointed at the age of five years. The amount annually levied on the public by these courts was £49,215 in England and Wales alone, many of the fees being illegal and some of them quite contrary to the canonical law. The gross revenue of the Prerogative Court in the year ending the 30th of March, 1848, was £30,832, of which £3,900 was paid

to the Judge, and £8,500 to the registrar, who did nothing whatever for the money; the duties of this office being discharged by deputies who received separate salaries. Frequently there was no regular table of fees, and they were levied according to custom simply and the pleasure of the Judge. It might be expected that for the handsome incomes these gentlemen drew the records of their several courts would be well kept, but the Returns showed that the contrary was the case. He would refer the House on this point to the appendix of the Report of the Ecclesiastical Courts Commissioners in 1832, which contained the latest official information on the subject; and he believed that the case was not now materially altered. According to that Report the records were in many cases kept in private houses; in scarcely any instance was the building fire-proof; in some it was damp; and in some the documents were exposed to the ravages of mice. But how were the fees levied? No less than £29,500 was derived in the shape of fees on marriage licences, and were a direct tax on the laity. The fees varied very much in amount, from £1 2s. in the diocese of Norwich to £2 12s. 1d. in the diocese of Worcester. That was a grievance which the Government themselves had recognized, and the remedy for which they had proposed from year to year. It could not be said by the clergy that this was altogether a matter which related to them, because as he had shown one-half of the money which went to support the courts and the officers attached to them was derived from a tax levied upon the laity. The mode of procedure which was adopted in these courts was very defective, and differed from that of all other courts. It was a remnant of the antiquated system of ecclesiastical procedure by libel and allegation, and involved processes the very names of which were not known to the greater number of the members of the legal profession. There was no trial by jury, and practice in the courts was confined to a select few. It was a close monopoly, and the system pursued was as disgraceful as that of the Palace Courts, which were swept away some time ago by the breath of public opinion. The delay was frightful, and as an instance he might refer to the case of Mr. Craig, which lasted four years, when the Judicial Committee decided there was no ground for the action, and Mr. Craig was dismissed on paying his costs. Again, the notorious case of the Rev. Bryan

King and St. George's-in-the-East reflected the utmost discredit on the ecclesiastical law and ecclesiastical tribunals of this country. The Rev. Bryan King declared that those Eucharistical vestments, which had engendered such unhappy disputes in his parish, were used in 50 or 60 other churches, and their adoption was still extending. The case of St. Barnabas Church was another illustration of the existing law. The proceedings were instituted in January, 1855, and, although prosecuted with diligence, it was only in March, 1857, that the judgment of the Privy Council was pronounced. The highest ecclesiastical authorities were dissatisfied with the state of these courts. What was the opinion of the Bishop of Cork with reference to this subject in a pamphlet which he had lately published? That rev. Prelate stated that, in his opinion, the present state of the ecclesiastical law and Ecclesiastical Courts tended greatly to afford shelter to grave delinquents, and to prevent the effectual punishment of immorality and the expulsion of irreligion. The report of the Upper House of Convocation stated that the present state of the law touching the discipline of the clergy was unsatisfactory and needed Amendment, and that the great delays which attended proceedings in those courts frequently amounted to a denial of justice. That took place in the year 1853. But the reform of the Ecclesiastical Courts was a measure which had been more or less contemplated ever since the Reformation. The veteran statesman, Lord Radnor, when Lord Folkestone, had taken the initiative of late years in the reform of these Courts. Even Lord Stowell himself, though a strong Tory, had taken steps for the reform of the Ecclesiastical Courts. In 1832, a Commission was appointed, consisting of most distinguished men, the result of whose labours was the Church Discipline Act of 1840. That Act was so total a failure that its machinery had literally never been used. In 1847, the Bishops made an attempt to amend or alter it, but without success. The Bishops, he feared, had too much prelate pride, and wished too much for increased power, to undertake the necessary ecclesiastical reforms. He objected to the Church Discipline Act of 1840, that no suit could be originated under it without the Bishop's sanction, and that he complained of as a gross encroachment on the rights of the laity. As the law at present stood, although the Bishop might himself declare that idolatry was preached

in the church of St. Barnabas, no layman could initiate proceedings in respect of it. The Government when they introduced the Testamentary Jurisdiction Bill, in 1854, were taunted for not having dealt with the other branches of ecclesiastical jurisdiction. They, therefore, brought in a Bill in 1855, and showed it to the Bishops, by whom it was disapproved. A Bill almost precisely similar was prepared by the present Attorney General, and introduced by Lord Cranworth, in the House of Lords, in 1856; but again the Bishops, who had tried their own hands at legislation and failed, hindered what the Government proposed. The Bill of 1856 had for its objects to constitute one appellate tribunal for the Church of England and Ireland, India, and the Colonies; to establish central registries in London and Dublin for the custody of ecclesiastical instruments; to reduce the number of above fifty ecclesiastical Judges to four; and to provide an uniform and expeditious procedure; in short, as was stated by Mr. Stephens, who drew the Bill for the present Attorney General, it was intended to make justice in the Ecclesiastical Courts as cheap and quick as in the County Courts of the country. The real objection the Bishops had to that Bill of 1856 was, that it deprived them of their patronage; but the professed objection was that it would give too much power to the Archbishop and to the Crown upon appeals. The Bishop of Exeter led the opposition to it, and, although Amendments were offered to meet their views, the Bishops refused to allow the Bill to be read a second time. It was rejected by a majority of nine; eighteen English Bishops voted against it. The Irish Bishops, however, formed a noble exception to this. They unanimously supported it, and addressed a statement to Lord Palmerston, urging the necessity which existed for such a measure of ecclesiastical reform. At their request, a Bill for Ireland was introduced by the Earl of Derby's Government in 1859. It passed the House of Lords, and two readings in the House of Commons; but was stopped by the dissolution of Parliament. At last the present Government introduced a measure, mutilated and imperfect; but still a faint copy of what the Earl of Derby endeavoured to carry out far more effectually last year. Now, the Church Discipline Act of 1840 had failed to work satisfactorily, because no proper machinery was provided, no class of assessors, specially devoted to ecclesiastical law, no control

over the diocesan registries or regularity of procedure. The Bill of 1856 would have supplied all those defects. As the law now stood, there were in some cases three or four different Courts of final appeal. If a clerk were refused institution to a benefice, he might proceed in the Ecclesiastical Court, with an appeal to the Judicial Committee of Privy Council, although some point of doctrine might be involved in the case. Or the patron, whether the Crown or a layman, might proceed against the Bishop under a writ of *quare impedit* in the Court of Queen's Bench, with an appeal to the House of Lords. In such a case as that of the Rev. Mr. Gorham, involving the doctrine of baptismal regeneration, there might be three conflicting decisions by the three final Courts of appeal. But under the Bill of 1856, which the Government ought to have allowed the Attorney General to bring in again this year, a single Court of appeal was provided. Now, he (Mr. Danby Seymour) had proved that the Ecclesiastical Courts were too numerous and inefficient. Their supposed administration of justice was a mere satire on law and common sense. Their patronage had been abused; their fees were illegal and exorbitant, yet these Courts could not support themselves but by an unjust exaction from the laity for marriage licences. Their procedure was barbarous and obsolete; they were injurious to the interests of the Church and of morality. A case, then, for reform had been made out. There were two courses open to the Government:—they might either reform the Courts according to the Bill of 1856, or abolish them altogether, fusing them in the general administration of justice. It was the latter course he should like to see adopted. The testamentary and matrimonial jurisdiction had been taken from these Courts, and he did not see why they might not be also deprived of their other business. If the Bill of the Attorney General was necessary in 1856, it was much more so now. The only opposition to it in either House would have been by the bench of Bishops. If the Government were not afraid of their opposition in 1856, he wished to know why the present Session was to be allowed to pass without a Bill being brought in for their correction. At all events, he trusted that the Government would give a pledge that a Bill for the purpose would be brought in at the commencement of the next Session.

LORD FERMOY seconded the Motion.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, the state of the Ecclesiastical Law in England and Ireland, and of the Courts in which it is administered, and especially the Act commonly called the Clergy Discipline Act, require to be amended and Reformed; and that it is incumbent on the Government to direct Measures to be prepared for that purpose.'"

—instead thereof.

SIR GEORGE GREY said, that the hon. and learned Member had invited the attention of the House to this subject under unfavourable circumstances. The House was very thin, and the Motion was made as an Amendment upon the Motion for going into a Committee of Supply; though it was quite obvious that the House was very much behind the usual time for the consideration of these Votes. The hon. and learned Member asked the Government to give a distinct pledge that they would bring in a Bill on the subject the first thing in the next Parliament; but what would be the value of such a pledge, since it was impossible at the present moment to foresee what subjects would demand the earliest attention of Parliament? He could, however, assure the hon. Member that it was from no indifference to the importance of the subject that he abstained from giving such a pledge. He, therefore, trusted the hon. and learned Member would leave the Government to choose their own time for dealing with the question.

MR. NEWDEGATE said, that although he did not approve of the great change by way of a remedy which the hon. and learned Member for Poole had proposed, he thought that the House was indebted to the hon. Gentleman for the great research he had displayed in bringing the subject under their consideration. The evils, arising from the lapsed condition of the Ecclesiastical Courts, and indeed of the Ecclesiastical jurisdiction of the Church of England were such as urgently called for some measure of a remedial character. He had himself suffered from the complete collapse of the Ecclesiastical Courts, and he knew many other persons in the midland counties to whom the state of those Courts had been productive of an utter denial of justice. The expenses entailed upon Bishops, if they proceeded regularly with the trial of ecclesiastical offences in the regular Courts would be so enormous that they were fairly excusable for availing themselves of the powers vested in them by the Church

Discipline Act, and thus refusing to proceed to preliminary inquiries, which would only manifest their impotence. Many officers of the Ecclesiastical Courts were utterly incompetent to discharge the duties which the law imposed upon them. He did not want completely to break up the ecclesiastical judicial system of the country; he wished to retain the authority of the Bishops, but to secure to them the advantage of the service of competent assessors and of a competent bar, and such compensation for their expenses, as would render procedure not ruinous to them. But immediate action, he repeated, was eminently needed in the matter. Under the existing state of things many of the laity were becoming alienated from the Church, and the Bishops were accused of a most arbitrary denial of justice; while the real fact was that it would be literally ruin to them to act in many cases, now that their incomes had been so enormously reduced.

LORD FERMOY said, that it was not the fault of the hon. and learned Member that his statement was made at so late a period of the Session; for he had experienced the difficulty which all hon. Members unconnected with the Government felt of finding an opportunity to submit questions to the consideration of the House. So far from his learned Friend having acted unreasonably in bringing forward this question, he did not know any subject of a more practical character, or one to which it was more desirable that the attention of the Government should be given. The Government of the Earl of Derby, as well as that now sitting on the Treasury benches, was pledged to reform the Ecclesiastical Courts. He agreed with his hon. and learned Friend in thinking the measure which had been introduced for Ireland a weak and mutilated Bill, and that it would be much better to deal with the question in both countries simultaneously. What was required was that in the Ecclesiastical Courts justice should be administered as speedily and cheaply as in the County Courts, and he respectfully asked for an intimation on the part of the noble Lord at the head of the Government that a Bill, framed with this object, would be introduced early next Session.

MR. LEFROY said, he hoped the Government would persevere with the measure they had introduced, which would be a useful and important measure for Ireland.

Mr. Newdegate

COLONEL SYKES said, that as an Episcopalian, he regretted the scandals which sometimes occurred, and which were irremediable, from the fact that no power existed in any authority to punish the delinquents. He hoped that legislation would promptly take place.

Question, "That the words proposed to be left out stand part of the Question,"

Put, and *agreed to*.

Main Question put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee; Mr. MASSEY in the Chair.

(1.) Motion made, and Question proposed,—

"That a sum, not exceeding £44,595, be granted to Her Majesty, to defray the expense of Maintenance and Repair of the Royal Palaces, to the 31st day of March, 1861."

MR. W. WILLIAMS said, he wished to ask the noble Lord the Chairman of the Committee appointed to inquire into those Estimates whether they had yet agreed to any Report?

LORD HARRY VANE, as Chairman of the Committee, stated that a short Report, referring to the subject generally, had been drawn up. It did not, however, enter into those details which the hon. Member, no doubt, was desirous of obtaining.

MR. W. WILLIAMS said, they wanted a more careful expenditure upon these Royal Palaces. Upon those Palaces occupied by Her Majesty, the expenditure appeared to him to be very large, but he did not wish to dwell upon that point. What he wished to call the attention of Her Majesty's Government to were those Palaces not occupied by Her Majesty. There was Kensington Palace, for which there was a Vote of £16,000, and he was not aware that any member of the Royal family occupied that Palace. Then there was £6,803 for Hampton Court, and, as that was only occupied by the ladies of those who had served their country, he did not think the public ought to be annually called upon to pay for that accommodation. He had visited Hampton Court lately, and he considered that it would be a place well adapted for the training of Volunteers, and, for shooting, the best to be found in the neighbourhood of London. He suggested that the grounds there should be converted into rifle practice grounds for Volunteers. He also found a sum of £924 for Bushey, and £1,402 for Frogmore,

and he should like to have some explanation how it was that occupied those houses.

MR. AUGUSTUS SMITH regretted that the Report of the Civil Service Committee had not been presented to the House before these Estimates were brought on, and thought it would have been more convenient if the Secretary to the Treasury, before proposing them, had made a general statement as to the whole civil expenditure of the country. The Civil Service Estimates had been increasing in amount every year for a long time, and he attributed that circumstance to their being submitted to the Committee at a late period of the Session, when hon. Members were worn out and anxious to get rid of their duties as fast as possible, and likewise to the Treasury not exercising a due control over those Estimates. He would, therefore, move that the Vote be reduced to £40,000.

MR. LAING said, that if he had not made a lengthened statement in bringing forward those Estimates, it was from no disrespect to the Committee; but because, having made such a statement on a former occasion, experience showed that to mix up a multitude of questions together which had no connection with one another in a single speech, was an inconvenient course to adopt. The questions arising on the Civil Service Estimates could only be discussed separately, vote by vote; and any attempt to discuss them, when mixed up together, was only a waste of time. But those Estimates, which for the last ten years had increased at the average rate of £200,000 per annum, showed now a decrease of £345,000 upon the corresponding expenditure of last year. That fact probably formed the best speech he could make upon the subject. With regard to the time at which the Civil Service Estimates should be brought forward, the House had never shown any readiness to go into them at an early period of the year, while large questions like the Budget were before it. The only effect of the hon. Member's proposal would be that Votes on account would have to be brought forward at an early period of the Session. Moreover, it was an inappropriate moment to urge an alteration of this kind, when the whole question of the Civil Service accounts and the mode of audit would come under the attention of the Government during the recess. The present system of account and audit was confessedly unsatisfactory, and ought

to be revised. Independently of other objections, therefore, he thought it was premature to call upon the Committee to pledge themselves by a vote of this kind.

SIR LAWRENCE PALK said, he quite agreed with the hon. Member for Truro, (Mr. A. Smith), that the Estimates were delayed far too long in the Session. The House was kept, night after night, listening to the quarrels between the Government and their supporters, and the Estimates were delayed till independent Members had left town.

MR. W. EWART said, that with reference to the item of £850 "for glazing, cleaning, and preserving pictures and cartoons," he would suggest that the cartoons should be brought to London; for being now protected by glass, they would not suffer from the effects of the London atmosphere.

LORD CLAUD HAMILTON said, he did not think the explanations of the hon. Secretary to the Treasury were at all satisfactory. They had been entertained this Session with a flashy Budget in February, which had been picked to pieces before July, and had that night been altogether given up by the First Lord of the Treasury. They would have been much better employed in discussing the details of the Estimates; and he hoped that in a future Session the House would insist on their being brought forward at a proper time. It was a complete mockery to go into the Estimates at a time when hon. Members were leaving, or were preparing to leave town, and when Government could always command a majority. If that was to be the normal system adopted, the House of Commons would virtually abdicate their functions as the guardians of the public purse.

COLONEL SYKES said, he observed there was a surplus in hand, from an unexpended Vote of last year, to the extent of £14,000. He wished to know whether that would be added to the Vote now proposed.

SIR GEORGE LEWIS said, the sum of £14,000 was in the Exchequer, but had nothing to do with the Estimate; and so able a statistician as the hon. and gallant Gentleman ought not to confound an estimate with a balance.

MR. AUGUSTUS SMITH said, the Committee had not only to deal with the estimate but with the balance. He should press his Motion for a reduction of the Vote to £40,000.

SIR GEORGE LEWIS repeated that the £14,000 balance from the expenditure of last year had nothing to do with the present Estimate, and was neither a reduction upon, nor an addition to, the Estimate. It was not available in aid of the Estimate, and stood wholly independent of it. With regard to bringing on the Miscellaneous Estimates before Easter, the question was very fully considered by the Committee on Public Moneys two Sessions ago, and the Committee saw, as everybody must see, that they were not likely to do more than vote the Army and Navy Estimates before Easter. The Committee proposed that, in order to apply to the Civil Service Estimates the rule which extended to the Army and Navy Estimates, that they should be brought to a close each year, and the balances turned over, there should be a Vote on account. It was the best contrivance which the Committee could suggest. It never entered into their heads that the Civil Service Estimates could be voted before Easter; and he was sure, if hon. Members considered it, they would see it was a most improbable contingency, and one upon which they were not entitled to speculate.

LORD HARRY VANE said, that no one supposed that the Civil Service Estimates would be voted before Easter; but they ought to be laid on the table at an early period, and the Budget, as a rule, ought to be brought forward after the Estimates. Having formed a Commercial Treaty, the Government was obliged to bring forward the Budget this year, at a very early period, and perhaps it would have been impossible, after the consideration of the Estimates, to deal with a Budget of this ambitious character. This was an exceptional year, but the Committee over which he had the honour to preside, were of opinion that the Estimates should precede the Budget. It was not the practice, but it would be of advantage if there were an enumeration of the unexpended balances of each Vote, so as to enable hon. Members to judge completely of the expenditure.

COLONEL DUNNE said, he wished to know whether there was any method by which the Committee could find out the application of the balances, for until that was done they would have no just or correct notion of the country's accounts. Was it the intention of the Government to lay any information on that matter on the table?

Mr. Augustus Smith

SIR GEORGE LEWIS said, that in the Army and Navy Votes the excess of one might be transferred to the deficiency of another, with the consent of the Treasury. But that was not the case in the Civil Service Votes. The Treasury had no power to transfer the excess in one Vote to make up the deficiency in another, but the money voted for each Vote might be carried on from one year to the next. They were balances in the Exchequer, and had nothing to do with the amount which the House authorized the Government to expend. Supposing a balance of £10,000 on a particular Vote last year remained, and £40,000 were voted this year, the Treasury would have a credit of £50,000, but not be entitled to expend more than £40,000. The £10,000 would be merely a balance standing to the account of the Treasury. It was a mere question of account. It did not influence the power of the Government to expend money, and had nothing whatever to do with Votes in Committee of Supply.

SIR STAFFORD NORTHCOTE said, he thought that the whole system required consideration, and that it would be much better if in the Civil Service Estimates they were to follow the recommendation of the Committee on Public Moneys, and adopt a system somewhat similar to that which was pursued in the Army and Navy Estimates. The difficulty was that money would be wanted before the Votes were passed. The remedy suggested was to vote money on account before Easter, which would enable the Government to effect a very desirable reform. The hon. Member for Truro proposed to cut down the Vote, which was not too large for the year, in order to compel the Government to come at the beginning of next year for a Vote on account. He did not think that a Vote on account was desirable. It might be so far desirable if they were going to have the great reform which he hoped they soon would have. If the Civil Service Estimates were to be put on the same footing as the Army and Navy Estimates, then, he said, let them have Votes on account; but, as nothing was more inconvenient or tended more to withdraw Estimates from the consideration of Parliament than voting money on account, and as the Amendment of the hon. Member would only have that effect without giving them the better system, he hoped the hon. Member would not persist in dividing the Committee.

MR. CORRY said, it was stated by one of the witnesses from the Treasury who was examined before the Public Monies Committee that the reason why the Estimates were not laid on the table of the House very early in the Session was that they might be able to provide for any unforeseen expenditure; but the proper mode to meet that expenditure was to bring in Supplemental Estimates.

MR. HANKEY said, that the Vote on account recommended by the Public Monies Committee, would enable them to effect a very great and important improvement by putting the Civil Service Estimates on precisely the same footing as the Army and Navy Estimates, the unexpected balances of which were paid again to the Treasury at the end of the financial year. He thought the Government were to blame for having done so little towards carrying out the recommendations of the Public Monies Committee. At present the Committee were voting in the dark. They were asked to vote £44,000, when perhaps only £30,000 would be expended. Still he could not think that the Amendment of his hon. Friend would effect its object.

MR. CHILDERS said, he did not believe that the Public Monies Committee recommended anything like a system of taking Votes on account. The right hon. Gentleman the Home Secretary had said that, although £14,000 remained from last year's Vote and £44,000 was now asked for, yet the Government would only be authorized to expend the latter sum. If that were the case, the Estimates were framed in an extraordinary manner; for he found on page 24 an item of the sum to be voted for new works in 1860-1, exclusive of the balance of the last Vote unexpended. That implied that the sum unexpended last year would be used this year. There was another item of £229,000 for the maintenance of prisoners in county gaols and lunatic asylums, but a note was appended stating that only £159,000 would be required to be voted, the balance being made up from the sum remaining unexpended from last year. Surely that must mean that balances from last year would be used this year.

MR. COWPER said, one reason for the discrepancy was that the money was always voted to be expended between the 31st of March in one year and the 31st of March in the next, but it did not always happen that the money was spent within that period, and they only got their Esti-

mates, as the hon. Member for Truro complained, in the month of July. That, however, was not the fault of the Government; but it was owing to this, that the hours of the day were not sufficient to get through the work which was to be done. The money was taken for the year beginning the 1st of April, but they were now late in July; but though it ought to have been spent in the beginning of the year, it could only be spent now. The sum of which this £14,000 was called the balance, was to some extent spent up to the 31st of March, 1860, and probably the balance had been spent between the 31st of March and this day of July.

SIR STAFFORD NORTHCOTE said, the difficulty pointed out by the hon. Member for Pontefract was the same that occurred to his mind. He would remark that money expended in the financial year began from the 31st of March, and not from the time at which it was voted.

SIR GEORGE LEWIS said, he was not surprised at the apparent difficulty there was in understanding the difference between Votes in Supply and Votes in Ways and Means, but the answer was simple. The balances in the Exchequer had nothing to do with the authority to expend, which was founded on a Vote in Supply. If a Vote for one year was £40,000 a credit would be raised to the Exchequer to that amount. If only £30,000 was expended, there would remain £10,000, which the Exchequer was authorized to carry on to the account of the same Vote in succeeding years. Supposing that in the following year again £40,000 was voted; the Exchequer would then have £50,000 to apply; but they would not be authorized to expend more than £40,000. Their authority to expend was limited by the Vote of the House. The Treasury might make a saving of the £10,000 and pay it into the Exchequer, or they might carry it on to the next year; but the fact of there being an undrawn balance would not authorize them to exceed the Vote.

MR. CHILDERS said, he wished to know how the explanation of the right hon. Gentleman could be reconciled with the fact that in Vote 47, where the total Estimate was £229,000, the sum to be voted was only £159,000, there being "a sufficient balance to meet the rest of the charge."

MR. BLACKBURN pointed out that it was expressly stated in the Estimates that the Vote of £160,000, with the balances

unissued of last year's Vote, would be "sufficient for the service of the year 1860-1." The right hon. Gentleman must therefore be mistaken.

MR. LAING said, he thought his right hon. Friend had not been quite accurately understood. What he intended to convey was that under no circumstances could the total amount voted by Parliament be exceeded by any authority of the Treasury. That was to say, that if £60,000 had been voted last year for certain services, and if only £50,000 had been spent, the £10,000 which remained over might be expended in a future year. In the present instance, £44,000 was the estimate of expenditure from the 1st of April, 1860, to the 31st of March, 1861; but there might be expended in addition to that amount the sum of £14,000, which from various circumstances remained over from the Vote of last year. That was the great question raised by the Committee on Public Moneys. He was sorry if any hon. Member was under the impression that the Government had overlooked the importance of the Report of that Committee. The only reason why no steps were taken in regard to it was the illness during the whole of the recess of Mr. Anderson, the officer of the Treasury to whom any Government in office must practically look for the revision of the department which had to take charge of this business. The difficulty of carrying out the recommendation of the Committee was not in the slightest degree one of principle, for on that they were generally agreed. There was, however, considerable practical difficulty in deciding whether the appropriated accounts should be prepared by the Audit Office, the Exchequer, or some other independent office, by each department for itself, or by one central office at the Treasury, exercising a general supervision. On the whole, the opinion appeared to be that it would be better for the public service that the work should be done at the Treasury. It was the intention of the Government to carry out the minor reforms recommended by the Committee which sat this Session—such as the publication of the amount of unexpended balances along with each Vote, and the production of the Estimates at an earlier period of the year. The Government were also generally favourable to the principle of the more important reform recommended by the Committee on Public Moneys; and they intended to take it up during the recess, with the assistance of Mr. Anderson, with an anxious desire,

Mr. Blackburn

if possible, to give effect to it. After these assurances he trusted the Committee would not pass what would be practically a Vote for only ten and a half instead of twelve months, for the purpose of compelling the Government to bring forward the Estimates early in the year, when, perhaps, very important business might await consideration, and when Votes on account might have to be resorted to.

SIR JOHN SHELLEY said, he hoped the hon. Member (Mr. A. Smith) would not press for a division after the statement of the right hon. Gentleman. He wished to ask the First Commissioner of Works for some explanation as to the items of £2,400 for improving the entrance and approaches to the chapel at Buckingham Palace, and £1,802 for the Royal Mews, Pimlico.

MR. COWPER said, that the first item was absolutely necessary, on account of the very tortuous and inconvenient character of the present approach, which was not originally intended for that purpose. On one occasion when the chapel was used, the Queen of Hanover had a fall coming down the steps, and was very nearly seriously injured. The other items included nothing out of the ordinary course.

MR. AUGUSTUS SMITH explained, that the object of his Motion was simply to reduce the balance in hand, and he felt it his duty to divide the Committee.

MR. W. WILLIAMS said, he thought that the amount in any case unexpended should be stated next year and deducted from the ensuing Vote. It was most important to know the exact expenditure on each item for every year.

Motion made, and Question,—

"That a sum, not exceeding £40,000, be granted to Her Majesty, to defray the expense of Maintenance and Repair of the Royal Palaces, to the 31st day of March, 1861,"

Put, and *negatived*.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,—

"That a sum, not exceeding £119,529, be granted to Her Majesty, to defray the Expense of Maintenance and Repair of Public Buildings: for providing the necessary supply of Water for the same; for Rents of Houses for the temporary accommodation of Public Departments, and Charges attendant thereon, to the 31st day of March, 1861."

MR. W. WILLIAMS drew attention to the vast increase in the Vote of this year, which he said was as much as £20,812, and unless some very satisfactory explanation was given of that very large increase,

he should certainly move its reduction. He complained that the Civil Service Estimates were now between £7,000,000 and £8,000,000, whereas, a few years ago, they were not much above £2,000,000. He objected to the large expenditure which was incurred in renting a house for the Copyhold Commission, and another at Whitehall for the Ecclesiastical Commission, at a rent of £680 a year and £685 for furniture.

MR. COWPER said, he had been in hopes that his hon. Friend would have highly approved of this Vote, which, when compared with the Vote of last year, showed a decrease of £3,211. With regard to the houses provided for the Copyhold Commission and the Ecclesiastical Commission, the rents were not above the fair market value of those houses.

MR. MILDMAY said, he rose to move that the Vote be reduced by £1,200, being the sum put down for the erection of a building for the reception of the funeral car of the late Duke of Wellington. His first reason for objecting to the Vote—without intending any disrespect to the illustrious man for whom the car had been prepared—was that it was much too large a sum for any building of the kind; and his second was that the funeral car was not worth any building at all. At the time of the funeral the design of the car was generally reprobated, and the impression was that it would have been in better taste to convey the Duke's body to the grave on a gun carriage than on such a car. He did not know who designed it, but he hoped he was not an Englishman. The most appropriate place for it would be the Chamber of Horrors. It looked like a locomotive, and if a boiler were put inside and a chimney on the top, it would answer admirably to convey funeral trains to the Necropolis Cemetery.

LORD JOHN MANNERS said, he did not like to hear questions of taste discussed in that House, as he never found that any two hon. Gentlemen agreed in opinion. He would not give any opinion on the artistic merits of the car, but it was used on a memorable and national occasion, it had since been viewed with interest by thousands of persons, and it would be a dereliction of duty on the part of the Government if, when it became necessary to remove it, they did not provide some place for its reception. The Government proposed to place it in a building in Chelsea Hospital, which was on many grounds a

fitting place, and he, for one, should not oppose the Vote.

MR. MONCKTON MILNES said, he wished to remind the hon. Member who had impeached the design of the Wellington car, that it was the work of the young men in the School of Design—our own school of art. He could not help thinking that the proposed outlay was a very proper use of public money.

MR. JOSEPH LOCKE said, notwithstanding what had been said by the noble Lord opposite, every hon. Member was entitled to declare his opinion upon a matter of that kind. He rose not for the purpose of expressing an opinion upon the particular sort of vehicle; his objection was not to the design, but to the Vote, which he considered was altogether a folly—and he was surprised that any Government should have brought forward such a scheme for a new establishment. They would have to warm and light it, and keep somebody to look after it, and wash and clean it. They would have the South Kensington Museum over again—and he should raise his voice against this beginning of another scheme. It might appear invidious for an hon. Member to rise to say a word against anything connected with the memory of their great hero, but nevertheless he thought the time was come when, as a body of practical men, they should well consider those matters. He called upon the House to reject that part of the Vote.

MR. JACKSON said, he rose to bring another matter forward.

THE CHAIRMAN said, according to the rules of the House, whenever an objection was made to a Vote the debate upon that question must be proceeded with and the matter determined.

MR. COWPER said, that the car had been used on a very solemn and memorable occasion, and, although the criticisms passed upon it might be correct, there was no one object in London more sought after or more visited than this car. The interest it excited was not owing to any peculiar beauty it possessed, but because it was associated with the memory of the great man whose mortal remains it had conveyed to their last resting-place. The car had been kept under cover in the courtyard of Marlborough house. It was now necessary to remove it, and the question arose what was to become of the car. He had thought it right to provide a place where it might be safely and permanently deposited, but he

had never contemplated forming an establishment such as had been described by the hon. Member for Honiton, or paying people to watch it. All that he designed was to provide a safe resting-place for the car, where it might be accessible to those who desired to see it. Chelsea Hospital was considered a suitable place for this purpose. He believed that the public would not like to see the car broken up.

MR. EDWIN JAMES said, he hoped that the right hon. Gentleman would withdraw this Vote. This was not a question of taste, but of arithmetic—namely, whether the public should be taxed in a sum of £1,200 for perpetuating an affair which every one agreed, so far from commemorating the memory of the late Duke of Wellington, was about as ugly as the statue on the arch opposite Apsley House.

LORD CLAUD HAMILTON suggested whether it would not be possible to transfer the car to the Tower of London, of which the Duke had so long been the Constable.

MR. COWPER said, he should be sorry that this car should not be placed in a proper situation, but there was one thing he should still more deeply regret—that any proceeding of that House should be at all wanting in respect to the memory of the Duke of Wellington. As he perceived that the feeling of the House was adverse to the Vote he would withdraw it. He trusted some other place would be found for the car, where it would not be a source of expense.

MR. CONINGHAM said, he regarded the car as an unworthy monument of the Duke.

Motion made, and Question,—

“That the item of £1,200, for the erection of a Building in the Grounds of Chelsea Hospital for the reception of the Wellington Car, at present located in a temporary building in the Courtyard of Marlborough House, be omitted from the proposed Vote,”

Put, and agreed to.

Original Question, as amended, again proposed,—

“That, a sum, not exceeding £118,329, be granted to Her Majesty, to defray the Expense of Maintenance and Repair of Public Buildings; for providing the necessary supply of Water for the same; for Rents of Houses for the temporary accommodation of Public Departments, and Charges attendant thereon, to the 31st day of March, 1861.”

MR. W. WILLIAMS moved the omission of the item of £680 for the rent of offices for the Ecclesiastical Commission.

SIR GEORGE LEWIS said, he thought that the expediency of contributing from

the Consolidated Fund would be better discussed on a future Vote, when that contribution would come more fully before the Committee. With regard to this particular item, the Government had considered the subject this Session, and at first were disposed to put an end to that contribution, but it appeared that by an Act of Parliament there was a certain sum for the expenses of the Church Building Act which the public undertook to defray out of the Consolidated Fund. The Commission for carrying out that Act had been abolished, and its duties transferred to the Ecclesiastical Commission. This contribution was no more than had been undertaken by the Church Building Act, and he hoped therefore the Committee would not object to the item.

LORD JOHN MANNERS said, the hon. Member seemed to think that the revenue administered by the Ecclesiastical Commission belonged to the State. It belonged, in fact, to the Church, and the State, for purposes of its own, had taken hold of it to manipulate it in accordance with certain views of its own. There was no reason, therefore, why the public should not contribute to the expense of managing this property.

MR. WALPOLE said, that when the Church Building Act Commission was first established, there was a guaranteed contribution of somewhere about £10,000 for the purpose of carrying it out. After a time its duties were transferred to the Ecclesiastical Commissioners. At that time about £3,600 was taken annually in the Votes for the Ecclesiastical Commission, but in consequence of what passed in that House that sum was removed from the Votes. The Vote under discussion, therefore, was only carrying out so much of the guaranteed expenses of carrying out the Church Building Act as was necessary to defray the rent of a house for the purposes of the Act, and, properly speaking, there was no greater justification for taking away this contribution from the Commission than for disallowing the expenses of any other Commission which had been established for the public benefit.

MR. W. WILLIAMS said, this was a matter which did not affect the public, but the Church, and the Church only. These Commissioners had now a balance of pretty nearly £80,000 in their hands, and under those circumstances he could not see why the people should be taxed for an expense which ought to be borne by the Church.

Mr. Cowper

Motion made, and Question put,

"That the item of £680, for the rent of No. 11, Whitehall Place, for the Office of the Ecclesiastical Commission, be omitted from the proposed Vote."

The Committee divided:—Ayes 61; Noes 179: Majority 118.

SIR WILLIAM JOLLIFFE asked why rent was still paid for houses occupied as Stationery-offices in Great Newport Street and Gate Street, Lincoln's-inn-fields, although a new Stationery-office had been built at the expense of the nation.

MR. JACKSON complained of the enormous sum asked annually for the rent and repair of the various buildings for public offices, and inquired of the First Commissioner of Works whether the recommendation of the Select Committee on Public Buildings was to be carried out.

MR. HANKEY said, the Government were spending the interest on a million of money yearly in the hire and repair of houses for public buildings—a system which called for alteration.

MR. AUGUSTUS SMITH said, that a great part of these rents were for houses which belonged to the Woods and Forests, and of which the country formerly had the use rent-free. He did not understand why the public should now be called upon to pay rent for them and keep them in repair.

MR. CHILDERS said, he wished to know from the First Commissioner of Works whether this Vote was not really £20,000 in excess of the corresponding Vote of last year. Such appeared to be the obvious inference from a comparison of the totals for the two years.

SIR JOHN SHELLEY asked, whether the item of £4,100 for Chelsea Hospital was for the erection of new buildings or merely for repairs? He also wished to know if it was intended that the plans for the new Foreign Office were to be deposited in the Library of the House for the inspection of hon. Members?

MR. COWPER said, that there was an actual decrease upon this Vote for the present year. The drawings of Mr. Scott would be presented as soon as they were in a state for the consideration of the House, which would probably be before the end of this week.

LORD JOHN MANNERS asked, Whether the House of Commons would have both designs—the Gothic and the Italian—before them at the same time?

MR. COWPER stated that the Gothic

designs which were exhibited last year would be again exhibited at the same time. He added, with regard to the general question, that it was no doubt inconvenient that the public offices should be distributed in private houses, but he had at the present moment nothing to propose with regard to their accommodation.

MR. EDWIN JAMES regretted that the question of his hon. Friend the Member for Newcastle had not received a more satisfactory answer. The most extraordinary places were now rented at an expense of £36,000 per annum for the transaction of the Government business. To find them you had to go from the Old Jewry to Newport Market, from Newport Market to Kennington Common, and from Kennington Common to Duke Street, Westminster. The most extraordinary item was "Middle Scotland Yard, at the rear of Whitehall Place, for the Chancellor of the Exchequer's stables, £50." Perhaps the right hon. Baronet the Home Secretary, who appeared to be performing the duties of the Chancellor of the Exchequer upon this occasion, would state what public business was transacted in those stables. This was an illustration of the absurd manner in which the Government now conducted business, because they had not courage to propose some scheme for the erection of proper public offices.

SIR MORTON PETO said, the very fact of there being 87 public offices scattered over the Metropolis, showed the necessity of devising some more eligible system by which those various departments might be more conveniently centralized.

MR. COWPER said, that these houses were still occupied, and therefore the rents had to be paid. The charge for Chelsea Hospital referred only to ordinary repairs.

LORD JOHN MANNERS reminded the hon. and learned Member for Marylebone that a scheme for new public offices was proposed, but was withdrawn on account of its great expense. The delay in the erection of the Foreign Office had arisen from an objection to the design proposed, which was taken on the ground of taste, by the noble Lord at the head of the Government. It was, therefore, not fair to blame the present First Commissioner of Works for the want of public offices.

MR. CHILDERS said, he wished to know why the rent of £700 was charged for the new Stationery Office. The Museum of Practical Geology in Jermyn Street, too, was, he always understood, a public

building, yet they were paying a yearly rent of £1,000.

MR. COWPER observed, that they had to pay the ground-rent of the Museum of Practical Geology, and also the rent of the house next to it, which was used for the service of the Museum. They had also to pay rent for several of the houses in Prince's Street, Westminster, in connection with the Stationery Office.

MR. EDWIN JAMES said, as a matter of curiosity he must again inquire what was meant by the item of "Middle Scotland Yard (rear of Whitehall Place), Chancellor of the Exchequer's stables." Then, again, there was a suspicious item of £56 ls. for Manley Cottage, Kennington Common, what was that?

MR. COWPER said, that for many years, ever since the Chancellor of the Exchequer's house had been appropriated as an official residence, a stable in Great Scotland Yard had been attached to it. He presumed the hon. and learned Gentleman did not object to an official residence having a stable attached to it. He did not know the history of Manley Cottage, but he knew the rent stated was paid for it.

Original Question, as amended, put, and agreed to.

(3.) Motion made, and Question proposed,—

"That a sum, not exceeding £23,000, be granted to Her Majesty, to defray the Charge for the Supply and Repair of Furniture in the various Public Departments, to the 31st day of March, 1861."

SIR JOHN SHELLEY said, he thought there was great room for economical reform in this department. The evidence given before the Committee on the Kensington Museum abundantly proved this. He gave the right hon. Gentleman credit for what had been done; but the matter still required great attention.

MR. AUGUSTUS SMITH said, he found there had of late years been a constantly growing increase in the Vote, and he thought the time had come for reducing it. The whole of the Vote of last year had not been expended, and under those circumstances he moved that the present Vote be diminished by a sum of £12,000.

Motion made, and Question proposed,—

"That a sum, not exceeding £10,100, be granted to Her Majesty, to defray the Charge for the Supply and Repair of Furniture in the various Public Departments, to the 31st day of March, 1861."

MR. W. WILLIAMS moved that the Chairman should then report Progress. The

Mr. Childers

Vote was one of considerable importance, and ought, he thought, to be made the subject of future consideration.

MR. COWPER said, he hoped his hon. Friend the Member for Lambeth would allow them to deal at once with the Vote. In reply to a statement made by the hon. Member for Truro (Mr. A. Smith), he had to inform the hon. Gentleman and the Committee that all that portion of the Vote of last year which had not been expended had been returned to the Exchequer, and was not available for the same service in the present year.

MR. AYRTON said, as there appeared to be a difference of opinion amongst the Ministers as to the way in which the balances were disposed of, it would be most desirable that the Chairman should report progress, to give them an opportunity of agreeing upon the explanation that should be given. He wished to have a clear explanation of what was done with the balances.

SIR STAFFORD NORTHCOTE said, that the money voted for the military and naval departments must be expended within the year, but the balances which arose under the Civil Service Estimates were applicable in future years for the services for which the Votes were originally taken. At the expiration of a certain term of years, however, whatever remained unexpended was returned to the Exchequer.

MR. BARROW said, he hoped the hon. Member for Truro would divide the Committee. Indeed, if there was a balance of £27,000, the Vote should be omitted altogether.

LORD JOHN MANNERS said the increase in the Vote arose from the fact that a good deal new furniture was required for the science and arts departments. Twenty years ago there were comparatively few picture galleries and scientific collections. Nothing could exceed the care with which Mr. Austin had represented this particular item.

MR. AUGUSTUS SMITH said, he believed that Mr. Austin wanted the support of the House to enable him to enforce economy.

MR. LAING said, the only effect of reducing the Vote, as proposed, would be to derange all comparison of the item from year to year.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"

Put, and *negatived*.

Question put,

"That a sum, not exceeding £10,100, be granted to Her Majesty, to defray the Charge for the Supply and Repair of Furniture in the various Public Departments, to the 31st day of March, 1861."

The Committee *divided*:—Ayes 44 ;
Noes 162 : Majority 118.

Original Question put, and *agreed to*.

House *resumed*.

Resolutions to be reported *this day* ;
Committee to sit again on *Wednesday*.

MAYNOOTH COLLEGE BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Trustees may apply Portion of Grants towards Buildings and Repairs).

MR. NEWDEGATE said, he wished to ask whether the Secretary for Ireland would object to insert a proviso relieving the Commissioners of Public Works in Ireland from the obligation of superintending the repairs of the College? It was not proposed to renew the annual Votes of that House for repairs ; and as there were trustees and visitors of the College there ought, therefore, to be no necessity for interposing this superintendence of the Board of Works, which merely served, by dividing, to annul all responsibility.

MR. CARDWELL said, that the Bill made arrangements for the trustees to make the repairs with the sanction of the Commissioners of the Treasury. After the passing of the Bill it would be optional with them to request the Commissioners of public works to do it or employ an architect of their own.

MR. NEWDEGATE said, the right hon. Gentleman had not answered his question. Why should not the Board of Works be relieved from the duty of attending to the superintendence of these repairs, a task for the performance of which they had hitherto proved incompetent ?

MR. CARDWELL said, he had no objection to relieve them if the Committee thought it was of importance to do so.

MR. BUTT said, by the Act passed in 1846 the Board of Works were to be Commissioners for the repair of the College of Maynooth. Parliament gave a pledge in that year that an annual Vote should be given for the repairs.

Clause *agreed to*.

Clause 2 (Commissioners of Public Works to advance Money on Security of Portion of Grant applied towards Buildings and Repairs).

MR. SPOONER objected, that if that clause were passed money would be borrowed to be repaid in twenty-two years, the effect of which would be to prevent Parliamentary supervision of the College during that period of time. He objected to any further application of the public money to the College, and should divide the House on the Vote.

SIR EDWARD GROGAN said, he thought that his hon. Friend (Mr. Spooner) gave the right interpretation of the clause.

Question put, "That the clause stand part of the Bill."

The Committee *divided*:—Ayes 107 ;
Noes 43 : Majority 64. Clause *agreed to*.

MR. VANCE said, he had to acquaint the right hon. Gentleman in the Chair that Sir George Bowyer was in the lobby with the "Noes," and was permitted by the messenger to go into the lobby with the "Ayes" after the Question had been put and the doors locked.

THE CHAIRMAN : The only question is whether there has been any discrepancy between the voice and the vote. I do not understand the hon. Member to say that the Gentleman to whom he refers gave his voice one way and his vote the other. If so, that is a discrepancy which can be redressed by the Committee ; but the circumstance to which the hon. Member refers is not an irregularity that can be noticed.

Remaining Clauses *agreed to*.

House *resumed*.

Bill *reported*, without Amendment.

House adjourned at a quarter
after Three o'clock.

HOUSE OF LORDS,

Tuesday, July 24, 1860.

MINUTES.] PUBLIC BILLS.—1^a Heritable Securities, &c. (Scotland) ; Game Certificates, &c. ; Manchester Cathedral Church ; Landed Property Improvement (Ireland).

2^a Queen's Prison ; Offences within Her Majesty's Possessions Abroad ; Coast of Africa, &c., Act Amendment ; Herring Fisheries (Scotland) ; Felony and Misdemeanour ; Crown Debts and Judgments.

3^a Labourers Cottages (Scotland) ; Friendly Societies Act Amendment ; Burial Grounds (Ireland) Act (1856) Amendment ; Isle of Man Harbours ; Dominica Hurricane Loan.

CENSUS (IRELAND) BILL.—COMMITTEE.

House in Committee (according to Order).

THE EARL OF ELLENBOROUGH said, he would express his satisfaction that the

clause relating to religious professions had been struck out of the English Census Bill. He wished to ask whether such a clause had been retained in the Irish Bill, in accordance with the wishes of noble Lords connected with that country? He also observed that there was a provision not in the Irish Bill, which it would be desirable to introduce into it, and another which it was in his opinion expedient should be omitted from it. The Census would give the numerical return of the population it found in that kingdom, but it would not give any return of the persons who had emigrated in the interval since the last Census. In former times emigration from Ireland was strongly advocated, and a great diminution of the population necessarily ensued. Latterly a very large increase had apparently taken place; but the extent of this increase had hitherto been only estimated by setting the number of deaths on one side and the number of births at the other, no account being taken either of emigration or immigration. Emigration they knew had largely gone forward, and he feared that when the details were ascertained it would be found that the country had lost a great portion of its military strength. Those who emigrated were principally the strong and hale, who would to a great extent have become soldiers if they had remained in the country; while those who stayed behind were largely made up of the old and very young. If it should be found that in proportion to the total number the most valuable portion of the inhabitants had left the country, it would be time, he thought, for the Government and Parliament to determine whether it was any longer advisable to take measures for the encouragement of emigration. He would suggest that the Government should introduce into the Irish Bill a clause similar to that contained in the Bill for England, defining the allowances of those who were to carry the provisions of the Act into operation. He likewise begged to move the omission from Clause 3 of the words, "and to take account of all such further particulars as by such instructions they may be directed to inquire into," which he thought placed an undefined power in the hands of the Lord Lieutenant.

LORD MONTEAGLE fully admitted that there was no longer any necessity for the encouragement of emigration from Ireland on the part of Her Majesty's Government, as that emigration had been attend-

ed with nearly all the benefits that were expected to follow from it. He would certainly impose no restraint upon that emigration; all he thought the Government were now bound to do in the matter was to see that the emigrant vessels were perfectly seaworthy, well-found, and that the emigrants were adequately provided for, and exposed during their voyage to no improper treatment. He thought the noble Earl was mistaken with respect to the class of persons of whom the Irish emigrants now consisted. It was true that at the commencement of the movement those emigrants consisted principally of the young and active; but many of them after their success abroad had shown the most affectionate solicitude for the welfare of the relatives they had left behind them, and had, in many cases, taken care to supply the necessary funds for bringing over to join them both their young children and their old parents; so that the emigration now in reality included people of every age and of every variety of physical power. The latest returns would show that there was no longer any reason to apprehend a loss of military strength. With regard to the clause in the Bill which sanctioned an inquiry into religious professions, he strongly approved of that power being given, and he believed that such inquiries when made in 1835 had met with no opposition of any kind in Ireland. He very much regretted that it had been found necessary to omit the similar provision from the English Bill. He thought it was a concession to clamour and false alarm. It was impossible to suppose that to require a statement of the religious faith of persons returned by themselves could be regarded as an interference with religious freedom; there must consequently be some other motive for the objection. Could it be that persons objecting to afford information on such a point were actuated by an apprehension of some loss of their own importance if the truth were accurately made known. A party unwilling to have the exact truth stated thereby manifested a belief that the notions entertained as to its numbers and influence were at present exaggerated. In Ireland no objection was made to such inquiries. Under Lord Melbourne's Administration a special census was taken which was pointed solely at the relative numbers of the various Christian denominations, and yet the returns were obtained without the slightest difficulty. The ministers of all sects concurred in making the Returns most complete, and

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there never yet was a more expeditious, more accurate, or cheaper statistical return made. No objection had been raised to this provision in its passage through the other House, and he hoped their Lordships would adhere to the Bill as it now stood. The Irish Census was, however, incomplete in one respect, inasmuch as it was a mere enumeration of numbers, unchecked by those calculations derived from the returns of births, marriages, and deaths which were so indispensable in England. He was glad to hear that a Bill had been introduced in the other House for establishing a system of registering births, deaths, and marriages in Ireland, which had only been withdrawn on account of the lateness of the Session. He trusted it would ultimately become the law of the land.

THE EARL OF ELLENBOROUGH said, he did not propose to press any Motion; he had only pointed out the difference between the two Bills. No doubt this provision would give a great trouble to the enumerators, for he remembered hearing that in a small town in the North of Ireland, near which he had resided many years ago, there were no less than sixteen different sects.

EARL GRANVILLE said, he certainly regretted that it had been necessary to remove from the English Bill the provision which was originally inserted for obtaining Returns of the religious professions of the people. But when the Government found that, rightly or wrongly, that provision was offensive to a great portion of the inhabitants of the country, it would have been very improper upon their part to insist on its retention. He hoped the noble Earl opposite (the Earl of Ellenborough) would not press his Amendment for the omission of certain words in the Irish Bill, which had only been introduced for the purpose of ensuring greater completeness in the Returns.

THE EARL OF ELLENBOROUGH said, the point that he objected to was the general power given to inquire into any subject besides those actually specified in the Bill which the curiosity of the Lord Lieutenant, or of somebody about the Lord Lieutenant, or of somebody else who was about somebody who was about the Lord Lieutenant, might prompt him to have inquired into.

LORD MONTEAGLE was disposed to object to a general power, but was afraid it might deprive the collectors of the op-

portunity of making their Census comparable in all respects and in all points of information with the last, and thus injure the relative value of the results. He would suggest that the noble Earl should postpone his Amendment until he had had an opportunity of ascertaining what were the exact points inquired into in the last Census.

THE EARL OF ELLENBOROUGH said, he had no objection to the Government preparing a schedule, in which should be inserted all the subjects that were inquired into in 1851; but he did object on principle to this clause, which empowered the Lord Lieutenant to inquire into any subject on which his curiosity might lead him to seek information.

EARL GRANVILLE said, the objections of the noble Earl did not seem to be shared by the Irish Peers. Unless there was some particular objection he thought it was desirable to keep the form of inquiry as near as possible to that which was instituted in 1851.

THE EARL OF ELLENBOROUGH said, his objection was that these irrelevant subjects of inquiry would extend the time for taking the Census, and would increase the expense. He objected to it, therefore, on economical as well as Parliamentary grounds.

EARL GRANVILLE said, the last observation did not support the argument of the noble Earl, because in Ireland the constabulary performed almost all the duty, and the expense was small.

Amendments withdrawn.

Bill reported without Amendment; and to be read 3^d on Thursday next.

CENSUS (ENGLAND) BILL.

SECOND READING.

House in Committee (according to Order.)

THE EARL OF ELLENBOROUGH objected to the unnecessary details required by this Bill. What earthly use could there be in taking the names of every man, woman, and child, in England and Wales? 28,000,000 of names, which no man would ever read, to be bound up in 30,000 volumes! Why, it would be enough to form the foundation of a new Alexandrian Library. Besides this, the rank, profession, occupation, and condition of every person were to be stated, it was obvious that the occupation and profession were sufficient. Moreover they required to know what was the relation of every

person in a House to the head of the family, and where each person was born—a question which many persons would be unable to answer. And it was to be remembered that the English inquiry at least would be very expensive, and these irrelevant inquiries would probably add some hundreds of thousands of pounds to the expense. It would be impossible to obtain this information in a single day; another day would be required, and the expense would be proportionally increased. He must say he greatly preferred the system of Ireland, which was much simpler, and where these particulars were not required.

THE EARL OF DONOUGHMORE said, these particulars were required in Ireland, for he distinctly remembered that on the last occasion these particulars were required to be filled up in the papers left at his House; and more than that, there was a column for the blind, deaf, and dumb.

THE EARL OF ELLENBOROUGH: That is here too.

THE EARL OF DONOUGHMORE: The only difference between the two countries appears to be that in England the information is entered in a book, and in Ireland on separate sheets of paper.

EARL GRANVILLE said, that all these particulars were required by the former Census, and the Home Secretary thought it desirable to continue the forms as exactly similar as possible. In England sheets were first left at every house, and afterwards collected. They were often written in pencil, and would be illegible by the time they had been turned over six or seven times. It was also a great assistance to the central office to have them copied into books, and in the case of sheets filled up in the Welsh language a translation was indispensable. It was not desirable to make changes which would perplex the enumerators. It was refreshing, however, for the Government to find themselves asked to omit details for which hitherto the pressure had been all the other way. There had been a great anxiety in some quarters to have an educational column, and one enthusiastic ethnographer was anxious to have returns of the number of people with different coloured hair, that some idea might be formed of the relative proportions of the Saxon and Danish races.

THE EARL OF ELLENBOROUGH said, his object in the remarks he had made had been to point out how all the statistics that were really necessary might be most simply and cheaply procured. If they got

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a statement of the number, sexes, and ages of the people, they had all that, as a Legislature, it was possible for them to require. He did not think that the returns which would be obtained under this Bill would be such as they could rely upon, and the reason of that was simply that too much care was taken to make them perfect. First, a schedule was to be sent to each house; the enumerator was then to call and see that answers were attached to all the questions: having amended and completed the answers as well as he could he must proceed to copy them into a register: then the return had to be examined by the registrar, who, if not satisfied with it, was to make out another; the superintendent-registrar was to perform the same operation; so that by the time the return had been enlarged and amended by the various officers it would be a perfectly original document, on which they could hardly place much reliance. The truth was that the system was quite overburdened, and that the Irish system as it had hitherto prevailed was much superior.

Bill reported without Amendment; and to be read 3^a on *Thursday next*.

TITHE COMMUTATION BILL.

REPORT.

Amendments reported (according to Order).

LORD REDESDALE objected to that clause in the Bill which made the price for the commutation of tithes compulsory at twenty-five years' purchase. There was no reason why a greater number of years' purchase should not be accepted if it could be obtained. For this purpose he would move an Amendment, the effect of which was, that the commutation should be for "not less than" twenty-five years' purchase.

EARL DE GREY AND RIPON opposed the Amendment. A Select Committee of their Lordships had pronounced in favour of the arrangement in the Bill, and he thought it would be better to adhere to it.

After a few words from Lord PORTMAN and Lord CRANWORTH,

Amendment *disagreed to*; and Bill to be read 3^a on *Thursday next*.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

THIRD READING. BILL PASSED.

Bill read 3^a (according to Order).

LORD BROUGHAM, adverting to the

petition he *presented* last night, complaining of the alteration in the Friendly Societies Act of 1855, by a clause introduced on the Report of the Bill of 1853, on the eve of the prorogation of Parliament, whereby the consent of only one-fourth was substituted for five-sixths of the Members as necessary previous to the dissolution of a Friendly Society and the distribution of its funds, observed that this Bill was, he believed, intended to remedy the evil there pointed out.

Bill *passed*.

FELONY AND MISDEMEANOUR BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD BROUGHAM moved the second reading of this Bill. Its object was to assimilate the practice in cases of felony or other criminal proceedings to that adopted in civil proceedings, so far as regarded the regulation of addresses to the jury. It provided that in every trial for felony or misdemeanour, at the close of the case for the prosecution, the presiding Judge shall ask the prisoner's counsel whether he intends to adduce evidence; and if he states that he does not, then the counsel for the prosecution shall, if the Judge think fit, be allowed to address the jury a second time for the purpose of summing up the evidence. The Bill further allowed the prisoner or his counsel, after opening his case and calling his witnesses, to again address the jury, commenting on his evidence; the right of the counsel for the prosecution to reply, and all other proceedings, to remain as at present. Under the existing practice it had been found in too many cases that counsel for the defence, being afraid of the speech in reply at the other side, abstained from calling witnesses, thereby defeating the very aim and end of justice, namely, the discovery of truth. The great recommendation of the Bill was, that it placed the procedure in cases of felony and misdemeanour on the same footing as in civil cases. He did not support it on the ground of its being more favourable to prisoners and defendants, but because it was calculated to elicit the truth.

Moved, That the Bill be now read 2^a.

LORD WENSLEYDALE felt great objections to the measure. The nature of civil and criminal proceedings was entirely different. In the former, which were often most complicated, a clear exposition of the law was requisite in the first instance,

and difficulties which constantly presented themselves in the course of the trial required to be elucidated by argument. There were, moreover, no means of anticipating what the witnesses would say. But in any criminal case in which a conviction could be hoped for, the facts appeared clearly in the preliminary depositions; and long speeches would only consume the time of the Court, without being attended with any corresponding benefit. He therefore moved that the Bill be read a second time that day six months.

Amendment *moved*, to leave out "now," and insert "this Day Three Months."

LORD CHELMSFORD said, he was unable to understand on what principle it could be refused to place counsel in criminal cases on the same footing as in civil actions. The consumption of time, he thought, was wholly beside the question. If it were just and proper that counsel should have this right, the time employed was a secondary matter as compared with the attainment of justice. The counsel for the prosecution had always the advantage of basing his statement on ascertained facts; the defendant's counsel, on the contrary, having to treat of evidence which in most cases had never before been adduced. An ingenious counsel on the other side might point out discrepancies between the speech made under such circumstances and the evidence as afterwards given; it was consequently but fair to afford defendant's counsel an opportunity by summing up the evidence of removing such an unfavourable impression from the minds of the jury. He hoped, therefore, that their Lordships would read the Bill a second time.

THE EARL OF CARNARVON said, he felt the greatest diffidence in giving an opinion upon this question, but still he must say that he thought there was great weight in the objections which had been stated to the measure. He also thought that it would be particularly hard upon prisoners who had no counsel to have two speeches instead of one made against them by the counsel for the prosecution.

THE LORD CHANCELLOR said that, though with some hesitation, he should support the Bill. He was quite persuaded that this Bill would lengthen trials; yet if it were necessary for the proper administration of criminal justice the question of time ought not to have any weight in their decision. The principle, however, had been tried in civil cases, and on the whole successfully, and it might be of use in crimi-

nal cases. If, indeed, the Bill were to pass, he could not help feeling some satisfaction that he would no longer have to go circuit. He was afraid that the multiplication of speeches would tend to the perplexing of juries. In Scotland there were only two speeches in criminal cases, one for the prisoner and one for the prosecution; both being delivered after the evidence on both sides had been given. This practice had been found very successful. Under the Bill, as at present worded, if four prisoners were tried together there would be ten speeches. Still, as this right of summing up might be essential in some cases, he would not withhold his assent, though it was with some misgiving and hesitation that he gave it.

LORD BROUGHAM said, that practically in all important criminal cases in Scotland there were two speeches on each side.

LORD CRANWORTH thought that in ninety-nine cases out of 100 the Bill would very unnecessarily lengthen trials, and anything which made the proceedings of criminal courts more distasteful to prosecutors must be generally injurious, and prevent the detection and punishment of crime. A great increase in the number of speeches, he was afraid, would by no means tend to the enlightenment of juries. He had no doubt that in many cases the Bill would operate more to the advantage of prosecutors than prisoners, but the advantage of either part was not the question they had to consider. The object to be attained was the greatest possible safeguard for the delivery of true decisions, and if he could persuade himself that improper verdicts were given for want of this right, he should be very sorry to oppose the Bill. He suggested that the Bill might be qualified in this way—that the presiding Judge might allow two speeches if he thought the case one of such difficulty as to make it reasonable. They would thus secure the object in view whenever it was necessary, and yet save the unnecessary protraction of all trials; because every counsel would construe the powers into a duty to address the jury a second time.

THE EARL OF ELLENBOROUGH said, that having heard the speeches of two lawyers on each side, though they were not of great length, his mind was not more clear than before they addressed their Lordships. The noble and learned Lord on the woolsack, with a partiality for Scotland, said that the proceedings in that country

The Lord Chancellor

were perfect. His noble and learned Friend who moved the second reading must also have a natural admiration for Scotch institutions, but he proposed an entirely novel course, different from what existed here, and different from what existed there. If the Scotch law were so perfect, why should it not be adopted?

On Question, That “now” stand part of the Motion, their Lordships divided:—Contents 13; Not-Contents 10: Majority 3.

Resolved in the Affirmative.

Bill read 2^o accordingly, and committed to a Committee of the Whole House on Thursday next.

CONTENTS.

Campbell, L. (<i>L. Chancellor.</i>)	Hutchinson, V. (<i>E. Donoughmore.</i>) [<i>Teller.</i>]
Somerset, D.	Broughton, L. Chelmsford, L. [<i>Teller.</i>]
Caitness, E.	Foley, L.
Ducie, E.	Harris, L.
Granville, E.	Stratheden, L.
Spencer, E.	Wodehouse, L.

NOT-CONTENTS.

Amherst, E.	Cranworth, L.
Carnarvon, E. [<i>Teller.</i>]	Egerton, L.
Romney, E.	Silchester, L. (<i>E. Longford</i>)
De Vesci, V.	Wensleydale, L. [<i>Teller.</i>]
Melville, V.	
Sydney, V.	

House adjourned at Eight o'clock,
to Thursday next, half-past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, July 24, 1860.

MINUTES.] PUBLIC BILLS.—1^o Senior Member of Council (India); Superannuation Act (1859) Amendment; Admiralty Jurisdiction (India); Infants' Marriage Act Amendment.
2^o Votes at Elections.
3^o Turnpike Acts Continuance; Maynooth College; Weights and Measures (Ireland); Bank of Ireland (No. 2); Police and Towns Improvement (Scotland) Act Amendment; Stipendiary Magistrates.

POOR LAW BOARD CONTINUANCE BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (The Poor Law Board to be continued for Five Years).

MR. BAZLEY moved that the powers

of the Board be continued for one year only instead of five. In doing so, he bore his testimony to the benefits which the Board had conferred on the country, but he did not consider it right that the Board should possess powers which properly should only belong to that House. The power of issuing regulations and orders which had the force of law, no matter how respectable the gentleman who exercised it, was to his mind most objectionable, and he protested against the delegation of such powers to any body whatever. A short time since the Board was renewed for two years, and he thought that a renewal for one year was all that could now be fairly asked. The Poor Law Board at present exercised a very vexatious interference with local boards throughout the country, the latter being unable to employ or dismiss a servant, to grant fees or expenses, or do many other things of that kind without the sanction of the central Board, and in consequence gentlemen with sensitive feelings shrunk from accepting seats at them. At a time when so much was done to centralize, it would be well to do something to foster and sustain local authority. He only asked for a delay of one year in order that time might be given for the introduction of a wise and comprehensive measure on the subject of Poor Law administration in general. He did not wish to see the Poor Law Board abolished, but only its powers properly regulated. There were various matters which might be very well left at the discretion of the local boards in respect of out-door relief. There was also a great grievance, which he hoped to see redressed in a future measure, namely, the removal of the unfortunate Irish poor. They came over and rendered most valuable services here, and, nevertheless, after having given the best proof of having done their duty faithfully, they were often treated in the most cruel and unfeeling manner. He would also wish to see power given to the Boards of Guardians to borrow money on the security of the rates for one or two years. He submitted that the duty of the Poor Law Board should be one of supervision, and not of coercion, and that it should strengthen rather than weaken the hands of the local boards. For these reasons he should move that the word "one" should be substituted for "five" in the first clause.

MR. SOTHERON ESTCOURT said, the object of the Poor Law Act was to regulate

the local management of the relief of the poor, to prevent misappropriation of funds, and, as far as possible, to produce uniformity. The feelings of Boards of Guardians to which the hon. Gentleman referred existed, he believed, only in certain localities, and he did not think there was any general desire to do away with the central management of the Poor Law Board. The object of the hon. Gentleman was, he said, to secure for this question at some future period the full consideration of Parliament, with a view to providing remedies for the evils complained of. He had no doubt that the House would be ready to inquire into the question, and give it its full consideration; but it was not necessary to restrict the Bill to one year only in order to procure for the subject the serious consideration of Parliament. The existence of the Board did not prevent the law from being altered. The effect of continuing the Bill for one year only would be to aggravate any disagreements that might have arisen between the Poor Law Board and local Boards; and it would be better to put an end to the Poor Law Board at once than to adopt such a proposition. The old system which prevailed before 1834 was, as they all knew, full of practical abuses, and the system which had been established in lieu of it had become absolutely necessary not only as a protection to the poor, but to the rate-payers. The hon. Gentleman complained of the regulations which directed the outlay of the Boards of Guardians; but it was absolutely necessary to lay down rules for the management of the money of the rate-payers. If, for example, a Board of Guardians were allowed to give 5s. in the way of charity, just as a private gentleman might do, how would it be possible to provide a check upon such expenditure? If they attempted to administer the funds for the relief of the poor in the same way as a private gentleman might exercise Christian charity, he was afraid that they would fall back to the miserable state of things that existed prior to 1834. There were many points to which he should wish to see the attention of the House directed—such as the question of the dismissal of officers, the arrangements of the poor-houses, the separation of the good and the bad, the treatment of persons belonging to different religious denominations, &c. These and other matters ought to be subjected to special investigation; and what he would recommend was—not that they should pass a clause that would paralyze the officials—

that at the commencement of next Session a Committee of the House should be appointed to make the necessary inquiries regarding them. He felt so strongly on the subject that, if the Government or some private Member of the House did not move upon the question, he would himself next Session propose the appointment of a Committee. He was in favour of a permanent Central Board for the management of the affairs of the poor, but he had no doubt that improvements were called for, and he would be prepared to adopt such as were shown on inquiry to be necessary.

MR. PIGOTT said, he was not inclined to support the Amendment, but he thought there were many points in the administration of the Poor Law which required amendment. With regard to medical relief especially did this observation apply. The grievances of the medical officers had been acknowledged by several successive Commissioners, but nothing had been done to improve the condition of those officers, except that their appointments were made permanent. He thought that the time had come when an inquiry should be made into the working of the Board, and he hoped the suggestion of the right hon. Gentleman opposite, that a Select Committee should be appointed next year, would be adopted.

MR. DEEDES thought that to pass the Bill only for one year would unsettle matters so much as to be productive of evil, and would prevent any ultimate good being done. On the other hand, he was not prepared to assent to the proposition for continuing the Board for five years. Five years was too long, especially if it was to be coupled with the intention of considering the question with a view to its ultimate settlement. If the Bill were passed for five years all inquiry would be shelved, and he would therefore suggest that the intermediate period of three years should be selected, on the understanding that a full inquiry was to take place.

LORD FERMOY would be disposed to recommend his hon. Friend (Mr. Bazley) to withdraw his Amendment were it not that the professions of hon. Gentlemen in the House were so very different from their conduct out of it. Therefore, unless they received a distinct pledge from the right hon. Gentleman (Mr. Villiers) that a Select Committee of Inquiry should be appointed next Session, he should support his hon. Friend, and would recommend him to go to a division. There was great

dissatisfaction with the working of the Poor Law Board throughout the country.

MR. BERNAL OSBORNE said, it was worthy of observation that no attack had been made on the central authority of the Poor Law Board. The right hon. Member for North Wilts (Mr. S. Estcourt) pointed out certain modifications that he thought should be taken into consideration, and he urged the appointment of a Committee; but he brought no accusation against the central authority. Some Members talked as if the House were ignorant of the working of the Poor Law Board. But in 1854 the Commissioners of the Treasury made inquiry, and gave in a most elaborate Report on the constitution, the organization, and working of the Poor Law Board; and if they wanted other information they would find it in a huge blue-book, which gave the fullest details of the working of the Poor Law since 1834. The noble Lord the Member for Marylebone talked of the Poor Law Board being disapproved by the country; but how stood the fact? Out of 644 unions only 100 had petitioned against the Poor Law Board, and 40 of these only prayed for modifications such as those referred to by the right hon. Gentleman the Member for North Wilts. He believed that many of the petitions had been got up in London entirely on a sectarian ground, having reference to the admission of Roman Catholic Chaplains to the work-houses. The effect of carrying the Amendment of the hon. Member for Manchester would be to strike a blow at the central authority. The Boards of Guardians were represented as opposed to all supervision; but it was, nevertheless, an undoubted fact that the Act of 1834, which introduced the system of supervision by a central authority, had saved the property of this country, and redounded to the credit of the Administration that carried it. Yet it was wished rashly to put down that central authority. He hoped his right hon. Friend the President of the Poor Law Board would not consent to limit the Bill to three years, as the effect would be to cut the throat of his own Board, the administration of which, under all Governments, had been excellent. Comparing the expenditure for the relief of the poor in the twenty years preceding the Act of 1834 with that for the twenty years subsequent a saving of £33,000,000 had been effected to the property of the country, and the saving in law expenses alone had been upwards of £150,000 a year.

Mr. Sotherton Estcourt

MR. T. S. DUNCOMBE said, the arguments of the hon. Member for Liskeard, ought to lead him to propose that the Bill should be permanent; for, if the working of the Poor Law system was so perfect, why limit the Bill to five years? The hon. Member said the petitions got up in London against the Board were based chiefly on sectarian grounds; but he (Mr. Duncombe) had presented petitions from the large parishes of Islington, Clerkenwell, and St. Luke's, none of which were grounded on sectarian principles, but were all in favour of the continuance of the Bill for one year only. They wished this because they were in favour of inquiry into the manner in which the Poor Law had worked, and they knew that if the Bill was continued for five years no inquiry would take place. There had been no inquiry into the general working of the Poor Law since 1834. All the inquiries that had taken place referred only incidentally to the system, being directed to mere questions of detail. He, therefore, thought the time had arrived when a general inquiry should take place.

MR. DODSON thought the effect of continuing the Bill only for one year would be greatly to impair the influence of the Poor Law Board. The supervision of the Central Board had been beneficial to the ratepayers as well as to the poor; and if it were destroyed, what would take its place? If they were not to have the present Poor Law Board, were they to go back to the state of things that existed prior to 1834? The hon. Member for Manchester was unfortunate in the time he had selected for his Motion. A Committee of that House had been appointed to inquire into the law affecting the irremovable poor; and no doubt the Central Board would have to carry out any changes which that Committee might recommend. But his Amendment would interfere with such a course; for if it were carried, the Poor Law Board would stand virtually condemned. He supported the limitation of the clause as it stood; but he trusted they should have from the President of the Poor Law Board a pledge that next Session a Select Committee should be appointed to inquire into the subject.

MR. ADDERLEY said, he did not see how any hon. Gentleman who wished for inquiry, could oppose the Amendment. It seemed to him totally inconsistent, while a system was on trial, to propose a Five Years' Continuance Bill. The question really at issue was, whether they were to

have an inquiry or not. Those who thought there should be no inquiry, because they were convinced the system now worked well, ought to propose to make the Bill perpetual; and those who thought the system worked ill, ought to propose its abolition. To give a long term of continuance to the Bill, would be practically to say that there was to be no inquiry. For himself, he thought inquiry was necessary: and therefore he was in favour of a shorter period than that proposed by the Government.

SIR WILLIAM MILES said, he could not support the proposition of the hon. Member for Manchester; and if the Government would grant an inquiry, he would give his vote for their proposition. The time had come when they should have a full, and not a partial inquiry only, into the operation of the Poor Law, in order to the correction of what might be found amiss. He believed that if local authority was substituted for the central power, the former would for a time be found the cheaper of the two; but in the course of five or six years the old abuses would creep in, and in time the state of things would become as bad as they were before 1834. He held, therefore, that they never could do away with the Central Board.

MR. C. P. VILLIERS said, that the object of the Amendment that had been proposed was, without doubt, to discredit and weaken the authority of the Central Board, though it had been introduced, as he was aware, with a profession of goodwill to that authority. He had not addressed the Committee before, from desiring to learn the precise grounds on which this attack on the Poor Law Board was made. The renewal of the Act for the continuance of the Board had been hitherto nearly a matter of form, and nothing had been said yet to justify the departure from that course upon this occasion. Nothing had been alleged to prove any mal-administration by the Board, and no abuses had been proved to have arisen from its existence in the country; and even the Member for Manchester himself, in making his attack, said he was not hostile to the principle of a Central Board. It was idle, moreover, to say that the continuance of the Board offered any obstacle to inquiry concerning the law, or, indeed, the Board itself. There had been constant inquiries into the operation of the law generally, and of every branch of it; there had hardly been any two years without inquiry of some kind in connection with it—inquiries, moreover, that had

never been opposed by the Board or the Government. There was an inquiry in 1837, three years after the system had come into operation; again in 1844, 1845 and 1846, twice in 1854; in 1858 and 1859; and even the Board had been reconstituted in consequence of one of those inquiries. In the absence of any practical objection to the Board the House must see that the real issue placed before them was the policy of any central supervision; looking to its origin and the language of some of the petitions, that was really, as he believed, what this movement was intended really to raise. The question was not started, as formerly, by those who represented the poor, or by those whose properties were taxed for their relief; but it was considered in the words of the Member for Manchester, as an obnoxious authority by some of these local administrators of the law who were impatient of the control of the Central Board, and who wanted to return to the old system of local and uncontrolled management, the effects of which in former times, however, were recorded in many volumes in that House, and which, as many Members knew, terminated in a kind of servile insurrection, and which forced upon the Government the great reform that was effected in 1834. The House, then, he was sure would require to be satisfied that if the authority of the Board was to be weakened as it was proposed, that many of the same evils would not recur which existed before. The old argument in favour of local self-government was adduced on these occasions against the Central Board. There was no one more friendly to that system than he was, or would promote it more; but it was easy to draw the line between things that were properly the subject of local government and those that belonged to the State, and he ventured to say that the morals, well-being, and independence of the poor were properly matters of national concern, and that the State had properly interposed its authority to avert the misery, vice, and mischief that followed from what was called the management by every parish of its own poor, which consisted in every parish resorting to every scheme it could devise to keep down the rates, with little regard for either the character or the welfare of the poor; and, though it was popular to hold this language still against the interference of the Board, he trusted the State would never again abandon its duties and rights with regard to the poor; and for this reason he must contend against their

Mr. C. P. Villiers

being again placed exclusively in the hands of uncertain and irresponsible persons. He proposed the continuance of the national and central authority for a period of five years, because that was the time for which it was at first established, and that this was the period for which it was continued on the last occasion. But one instance had occurred of its being moved for a shorter period—namely, for two years, and that had no reference to the feeling against the Board, but to the peculiar state of the Government then in power; but no inquiry was instituted during those two years, and his lamented predecessor, Mr. Baines, at the expiration of that time moved it again for five years, without a breath of opposition being offered to it. He was now asked if he would resist the appointment of any Committee of Inquiry if the proposed renewal should be agreed to. He had no hesitation in saying that he should oppose no inquiry of the kind; he should, on the contrary, readily support any inquiry into the working of the Board, and he should do so, in perfect confidence that the more the subject was investigated the more it would appear that the central authority was the soul of the whole system, and that its power of control, with the sanction of the whole country, would be confirmed. At the same time he was of opinion that the appointment of such a Committee would throw discredit on the Board, if they should now wantonly and unreasonably refuse the renewal of the Act for the usual period. He believed that there never was less feeling against the Board since it was established. The agitation now was not spontaneous. It had been stimulated in many parts of the country by a certain malcontent union in London, and until after the 2nd of June there was hardly a petition against the Board, and then the one that was sent from London was merely adopted as a matter of form, and at this moment there were hardly 70 unions out of 660 that had petitioned. Though all had received copies of the petition from London, many had openly repudiated that petition, though an urgent request was made to all to adopt it, and in some places where it had been adopted, the Chairman of the Board had resigned in consequence. He believed, as he said before, that the Board never acted so harmoniously with the great majority of the unions as it did at present; and there never was a time when the press, which usually reflected the feeling of the country, was so entirely silent in urging anything against it, or

was so favourably disposed to it. He, therefore, with perfect confidence, recommended the continuance of the Bill now, and should cheerfully consent to any inquiry into any practical grievance which could be alleged against it, or required to be reformed next Session.

MR. EDWIN JAMES said, he had not heard a single attack made on the central Board. The whole extent of the argument in reference to the Board was that in the Administration of Poor Law affairs certain abuses had arisen which required correction. This debate presented an extraordinary phenomenon. The hon. Member for Liskeard (Mr. Bernal Osborne) said the Board was a model of excellence; but it nevertheless had the misfortune to be accused of maladministration by almost every Member who had spoken but himself. Every county Member who had spoken had complained of maladministration, and of the necessity of some alteration taking place in reference to the discharge of officers and the like. The Board was in the habit of issuing edicts, which had the force of Acts of Parliament, and, in some instances, they even went the length of removing the chairman appointed by the local Board. The right hon. Gentleman the President of the Poor Law Board, he begged to observe, had given no pledge that the Government would of themselves institute an inquiry next Session.

SIR GEORGE LEWIS said, the Committee had been reminded of the state of things that existed prior to 1834, when in many parts of the country there had been almost a servile insurrection, and when the effect of the system in operation was, that the poor were degraded, corrupted, and tyrannized over. This was no exaggerated picture of the then state of things, and the consequence was that an almost universal agreement existed in favour of some legislative remedy. In the change which then took place, Parliament very wisely abstained from attempting to lay down detailed rules for the administration of the relief of the poor either in or out of the workhouse. Their object was to give such an elastic power as would gradually produce a change of system, and it merely created a central authority, subject to the control of that House, to make regulations for the guidance of Boards of Guardians, a new representative local body also created by the Act. The consequence was that a struggle occurred wherever the old system was interfered with, vested inter-

ests were assailed, and a great revulsion necessarily took place against the change of system, especially in regard to the matter of outdoor relief. By inquiries conducted by a Committee of that House, and also by the prudent attention which the Poor Law Commissioners paid to the state of public opinion, the new system came to be better understood, and was at length fully introduced. Since that time a regular Administration of relief by the Boards of Guardians had been established, and the relief of the able-bodied had been done away with, though there were still large exceptions. Whenever there was sickness in a family, or other exceptional circumstances, the Boards of Guardians had power to give out-door relief, but otherwise no able-bodied man was relieved out of the workhouse. This change had been productive of the greatest advantage to the working classes. The question, however, had now assumed a different aspect. The resistance to the Poor Law Board now did not come from the poor or from those who called themselves the friends of the poor, and were the advocates of what they considered to be a humane system of relief. It was the resistance of local officers, medical officers and others, and Boards of Guardians, who objected to the regulations of the central Board with respect to their administrative proceedings. This was, therefore, an entirely new question. If the Boards of Guardians had power to make regulations in these matters, there would be a different set of rules in every Union, and the machinery of the Poor Law would be thrown into confusion. There was also a question raised respecting medical relief. What the medical authorities desired was that there should be a system of giving medical relief out of the poor rates to persons who were not paupers. What they, in fact wished to do was to set up a kind of medical Established Church, to have a medical endowment diffused over the whole country, of which any person might take advantage. He was ready to admit that the question of power was not always easily settled, and, therefore, it was a fit subject for inquiry before such a Committee as the right hon. Gentleman had recommended. He did not see that any ground had been laid for shortening the continuance of the Bill, as there was no connection between the inquiries of a Committee and the time for which the Bill might be passed. No Gentleman had said that it was desirable altogether to

abolish the central authority, and if it was to be continued, it was convenient that the term of its continuance should be stated in the Bill to be for a reasonable time.

COLONEL WILSON PATTEN said, he intended to support the suggestion of the hon. Member for Kent (Mr. Deedes). Seeing that an inquiry was to take place, he thought that a very thorough investigation might be completed in that time.

SIR JOHN SHELLEY said, he did not understand that any one impugned the administration of the Poor Law Board, though some changes were considered necessary. A great improvement had, no doubt, taken place in the condition of the labouring classes; but that was more owing to free trade and other measures than to the operation of the Poor Law. Such, in his opinion, was the experience of boards of guardians throughout the country, that little control over them was now necessary, and he gave it as his opinion that the Staff of the Poor-Law Board was unnecessarily large. There was certainly no necessity for two secretaries. He was in favour of the Bill being continued for three years.

MR. DEEDES, assuming that there would be no objection to an inquiry in a future Session, said he would move as an Amendment upon the clause, that "three" years should be substituted for "five" years.

MR. BRIGHT asked his hon. Friend the Member for Manchester whether he would think it necessary to divide. His right hon. Friend the President of the Poor-Law Board rather mis-stated the object of his hon. Friend's Amendment. He (Mr. Bright) did not think that his hon. Friend had any intention by a side blow to inflict a stab upon the central authority. He did not think that such a course was in accordance with the opinion of his hon. Friend, or with the opinions of those whose views he intended to represent. The only point he (Mr. Bright) had heard discussed was whether there were not some things in which the central authority might be made to work in a more satisfactory manner. It was desirable that it should be made to work in a manner that would enable them to obtain the service of independent men in the unions to carry out the business of a public Department, whose operations affected so minutely the feelings and comforts of so large a number of individuals in the country.

VISCOUNT PALMERSTON said, he could

Sir George Lewis

not accede to either of the Amendments. He thought that if they were to have a central authority—and all seemed to agree upon that—nothing could be worse than for Parliament to strike a blow at the respect which was due to it; and if, when the Bill had been proposed for a period of five years, the House were to reduce that period to one or three years, it would be considered by the country at large as a virtual condemnation of that central authority. It was wholly unnecessary, in order to investigate the subject before a Committee, that the duration of the Bill should be restricted to three years. He would assume, for argument's sake, that the result of the Committee's inquiry would be to show that alterations should be made as to the powers of the local Boards. Would Parliament be the less able to carry such alterations into effect because by the Bill before the House the Poor Law Board was continued for five years, and not for three? They would be just as able to deal with the question in the one case as in the other. If they wanted to abolish the Board, then he saw good reason for passing the Bill only for one year; but nobody seemed to think of the abolition of the Board. All that was contemplated was the introduction of certain things that would provide against collisions between the local authorities and the central authority. The Government were prepared to propose a Committee to inquire into these matters themselves, and will not leave it to be done by a private Member. This should be done at the earliest period of the next Session, so that ample time would be given for inquiry, and, if strong grounds were shown for making alterations relative to the power of the Board, there would be as great facilities for making those changes with a Bill continued for five years as with one restricted to three years, while they would escape the evil of doing anything to diminish the respect due to the Board. The hon. Member for Westminster (Sir John Shelley) said the diminution of pauperism was owing to free trade and other measures, and not to the operation of the Poor Law. No doubt free trade had done much to improve the condition of the labouring classes, but a great deal was also owing to the manner in which the relief of the poor was now administered. It was unnecessary for him to remind the Committee of the enormous abuses that formerly prevailed in the management of the poor, and of the vast improvement that had

now taken place. He should deprecate any measure that would strike a blow at the Central Board, by which the improved system was guided, and he hoped, therefore, that the period of five years would be adhered to.

MR. JOHN LOCKE said, the Government ought to pledge themselves to bring in a Bill to carry out any recommendations that the Committee to be appointed might make.

MR. BAZLEY said, he would withdraw his Amendment in favour of the Proposition made by the hon. Member for Kent.

MR. DEEDES said, the argument of the noble Lord (Viscount Palmerston) only confirmed him the more in the opinion he had formed, that the Bill should be for three years. Their object in appointing a Committee was that something might be done; and, if something was to be done, was it not advisable that it should be done as soon as possible after the inquiry? If the Bill were for five years that object would not be gained. He now moved that the Bill should be for three years instead of five, and that the words "and to the end of the then next Session of Parliament" be omitted.

Amendment proposed, in page 2, lines 1 and 2, to leave out the words "five, and thenceforth until the end of the next Session of Parliament," in order to insert the word "three."

VISCOUNT PALMERSTON had not said that if the Committee next year recommended changes in the law, those changes were to be postponed till the end of five years. On the contrary his argument was, that it was as possible to make the changes immediately after the Report of the Committee was made with the Bill continued for five years as for three. He meant to say that the recommendations of the Committee could be immediately carried out.

MR. HENLEY would vote for the Amendment of the hon. Member for Kent, because, if the Bill were fixed for three years, the House would feel itself compelled to proceed to legislate as soon as the Inquiry took place.

Question put, "That the words proposed to be left out stand part of the Bill."

The Committee *divided*:—Ayes 92; Noes 147: Majority 55.

MR. AUGUSTUS SMITH moved the following clause:—

"That on the next avoidance of the office of the one secretary rendered capable of sitting or voting as a Member of the Commons House of

Parliament by the 9th Clause of the above recited Act, this office shall be abolished, and the said Commissioners shall only appoint one instead of two secretaries, as provided by the said Act."

MR. SOTHERON ESTCOURT said, the business of the office was so extensive as to fully employ two secretaries. The greatest objection to the Board was that guardians could not get answers.

MR. C. P. VILLIERS said, the business had greatly increased of late, and questions were constantly arising which called for immediate answers, and demanded the close attention of the secretaries. The nature of the business required that one of the secretaries should be entitled to a seat in the House, as in the case of other public departments.

Motion *negatived*.

House *resumed*.

Bill *reported*; as amended, to be considered *To-morrow*.

MAIL PACKETS—POSTAL SERVICE.

QUESTION.

MR. O'BRIEN said, he wished to ask the Secretary to the Treasury, Whether, prior to the granting of any future subsidy to any contractor for Ocean Postal Service, it is the intention of Her Majesty's Government to demand an undertaking that distinctions of race or colour shall not be made by the servants of such contractors as regards the treatment of passengers upon vessels performing such services?

MR. LAING said, he believed that no principle was more settled than that any subsidy given for the performance of the Postal Service should be confined exclusively to the object of the conveyance of the mails. With regard to the passenger or merchandise traffic carried on in the mail packets, the Government had no more responsibility in connection with it than in the case of any other class of vessels. He had no reason to think it likely that the established principle in this matter would be departed from.

COASTGUARD SUPERANNUATIONS.

QUESTION.

MR. PERRY WATLINGTON said, he wished to ask the Secretary to the Admiralty, Whether the case of the Civilian Chief Officers in the Coast Guard Service, appointed prior to the 4th of August, 1829, has been under the consideration of Her Majesty's Government, and whether it is

intended to grant any additional retiring allowance to these Officers?

LORD CLARENCE PAGET said, the civilian chief officers in the Coast Guard Service had superannuations granted to them in accordance with the Civil Service Superannuation Act. He believed their grievance was that they were not put upon the same footing as to pay and superannuation as those Officers belonging to the Navy who were liable to be called to active service at any moment. It was not the intention of the Admiralty to propose any such additional retiring allowance as that referred to in the hon. Member's Question.

NAVY (PROMOTION AND RETIREMENT).

ADDRESS MOVED.

SIR JOHN PAKINGTON, in rising to move for the appointment of a Royal Commission to consider the present system of promotion and retirement in the Royal Navy, and the present pay and position of the several classes of naval officers, said, Sir, it is not in any party spirit, but solely and exclusively in the belief that I may thereby improve the position of Her Majesty's naval service that I make this Motion. In fact, the spirit in which I propose it is very much that of national defence in which the noble Lord the First Minister yesterday made his very able statement with reference to fortifications, because it is certainly an element in our national defence that the officers of one of our great services should not be discontented, and should not be under the impression that their country treats them with anything like injustice. I shall not have to detain the House at any considerable length, because my proposal turns very much upon arguments which have already been advanced by myself and others in the course of the debates upon the plan of naval retirement which has been proposed by my noble Friend opposite. The first ground upon which I make this Motion is that an improved system of promotion and retirement has become necessary to the welfare of the naval service, and that the plan lately brought forward by the Admiralty is not satisfactory. I shall not trouble the House with my own views, because I am fortified by the authority of my noble Friend opposite (Lord C. Paget) himself. The first result of my experience at the Admiralty was that the service had reached a state of absolute stagnation of promotion which was depressing to the spirit of officers and injurious to the wel-

fare of the service. That has been stated by my noble Friend as broadly and as distinctly as I could state it. I have frequently asserted that I was convinced that the plan of the Board of Admiralty for promotion and retirement would not be satisfactory to the service. On Thursday evening, in the last speech which he made upon this subject, my noble Friend expressly stated that his proposal ought to go further, and that, as it stood, it could only be considered as a step in what he called the right direction. It only remains for me to guard the House against being carried away by the fact that this plan is introduced to it by one who is himself an Admiral of high and just distinction, and that, being so, it must be taken to be one not prejudicial to the service. Now, my noble Friend has proposed this plan, not as an Admiral, but as Secretary to the Admiralty. I think that no one can have heard his statement upon the subject without clearly seeing that in bringing it forward he was only doing the bidding of the Board of Admiralty with which he acts, and the only fault which I am disposed to find with his conduct in this respect is that he consented to act for the Board of Admiralty in this matter, of which it is easy to see that his own judgment does not approve. I think that my noble Friend ought to have said to the Board, "It is true that I am your Secretary, but I am also a British Admiral, and have the feelings of a British sailor, and I cannot consent to be the medium of proposing to Parliament a plan which will be regarded by the great majority of the service as doing them great injustice." I will now ask the House to consider the position in which this retirement plan of the Board of Admiralty stands. It is true that it has been proposed by my noble Friend opposite, who is himself a distinguished sailor, but it has been condemned not only by two gallant Admirals who are generally in the habit of opposing the policy of Her Majesty's Government, but by two experienced and distinguished Admirals who are in the habit of supporting that policy, the hon. Members for Devonport and Southwark, nor has any man of naval rank or naval experience, who has taken part in our discussions, supported it. That is the state of feeling within these walls. What is the feeling out of doors? I mentioned to the House on Thursday evening that I had received numbers of letters from officers of all

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ranks thanking me for my opposition to this proposal, and entreating me to continue it. Since then almost every post has brought me similar letters, and within the last hour I have received three or four. They come from men who are entirely unknown to me, from officers of all ranks, from those who are now serving on board Her Majesty's ships, as well as from those who have long been retired, and they all lament that my noble Friend has been led by his official position to propose a plan which, upon his own showing, is insufficient and unsatisfactory, and which is condemned by naval officers as doing them great injustice and treating them with great harshness. One of the writers states that he was an officer in the navy before my noble Friend opposite was born, but did not obtain his commission as lieutenant until my noble friend had been two years in the service. Another informs me that he served nineteen years as midshipman and mate before he obtained his lieutenant's commission. But all these services are to be disregarded by the plan of my noble Friend. Surely that is a great and manifest hardship. I think that there is also great hardship in the arrangement as to the Coastguard. I cannot approve the decision of the Government that three years' Coastguard service shall count as only one year of sea service. I am not perhaps prepared to contend that Coastguard and sea service should be put upon the same footing, but I think that the difference between three years and two would be as much as justice requires. One of my correspondents, whose name I shall be happy to give to the noble Lord in private, states that the circumstances of his case are so peculiar, that under this new system of retirement, thirty-four years' service would only count as seven years and a half. I need not multiply these proofs that the plan which has been brought forward by the Government is not only admitted by them to be partial and incomplete, but is condemned by the naval service. The Admiralty have not, in my opinion, acted wisely in pressing forward such a plan in opposition to the sense of the profession and of this House, the only man who has said a word in its favour, except the noble Lord himself, being the right hon. Baronet the Member for Portsmouth (Sir Francis Baring). I will only refer to the plan which I framed as the result of my experience at the Admiralty, to say that I have every reason to believe

that it was acceptable to the naval service, and to submit to my noble Friend and the Government, that as there are two opposite plans for the settlement of this great and important question, and as no one can deny that it ought to be settled upon some grounds of general fairness and justice, and, above all, upon some comprehensive principle, so that we may reasonably expect it to be a permanent adjustment of the difficulties of the question, there is abundant reason why the whole subject should be referred to a Royal Commission. That is obviously the most prudent course to adopt. We have already two plans before us. The result of a competent Commission may be to devise some third plan combining the advantages, while getting rid of the difficulties, of both. I am fortified in this view by the fact that I am only asking the Government to grant now in the case of the navy what has once before been granted for the navy, and what has upon several occasions been granted for the army. In 1840 the Duke of Wellington was the honoured President of a Commission which sat to investigate this very question of promotion and retirement with respect to both services. I shall presently advert further to the results of that Commission, but let me also remind the House that in 1854 a Commission was appointed to consider the subject of promotion and retirement in the army. The form of that Commission, "to inquire into the several modes of promotion and retirement now authorized in our forces, and reporting whatever changes may be desirable therein," are very nearly the words in which I have framed my present Motion, and show how very closely analogous are the two cases; the grounds for an inquiry are precisely the same. But I do not rest my Motion upon this question of promotion and retirement. I wish, likewise, to repeat to the House what I stated on a former occasion, that at the present moment there is scarcely one class of officers in the Royal Navy who are not more or less in a state of discontent with their position. In the Report of the Wellington Commission of 1840 I find the following passage:—

"Carefully weighing the urgent reasons that exist for a rigidly economical administration of the public revenues on the one hand, and on the other the no less imperative necessity of keeping the limited naval establishment employed in time of peace, energetic and therefore useful, contented and therefore efficient, we have no hesitation in

earnestly addressing our unanimous recommendation to your Majesty, that there should be a considerable increase in the rates of sea pay allowed to navy lieutenants."

That Commission also took into consideration the pay and position of captains, and I find in the Report a statement which I ventured to make the other day, that the position of captains with respect to pay is eminently unsatisfactory and unjust to that most important class of officers. The Report further alludes, as I did on a former evening, to the great charges which fall upon captains from the duties of hospitality which devolve upon them in the command of their ships, and it recommends that certain articles of outfit which captains had been compelled to provide for themselves should be provided at the public cost, the officers paying a percentage on the value. That recommendation was adopted, and hence the system which has since prevailed in this respect; but with regard to the pay of captains, and with regard likewise to many other particulars connected with the navy, the state of the profession twenty years ago was very different from what it is now. At that time the pay of captains was on a footing which, in my opinion, was far more just and rational than at the present moment. Captains were then divided into three classes as regarded half-pay, in the same way as they are now divided into three classes as regards full-pay, according to seniority; but their full-pay, which now turns upon seniority, then turned upon the rate of the ships which they commanded, and therefore upon the expenses which they were obliged to incur. There were then six classes of ships. A captain in command of a sixth rate received £300 a year, while a captain in command of a first rate received as much as £800. The whole of that is now changed, and the pay of a captain no longer bears any relation to the class of his ship, and, therefore, to the expenses which he is obliged to incur. I consider this question of the pay of captains to be one of the branches of this subject which most imperatively requires attention. In a former debate I mentioned the fact that while I was at the Admiralty, in two instances, officers of great ability refused commands because they could not afford to accept them. I am sure the House will concur with me in thinking that it is a great injury to Her Majesty's Service that such a state of things should exist. Perhaps the House will permit me to read brief ex-

tracts from letters which I have received, in consequence of what I then stated, from officers of high distinction, and now on full pay on board Her Majesty's ships. I shall not mention the names of the writers, but shall be happy to give them to the noble Lord the Secretary to the Admiralty, or to any other hon. Member who may express a wish to have them. The first letter comes from an officer who is now an Admiral and on full pay. He entirely concurs in my view of the retirement question, and, alluding to what I stated on a former occasion about the insufficiency of a captain's pay, he states that between his attaining the rank of commander and his attaining his flag he had no less than seven commands. He says:—

"I question if £4,000 would repay me for what all my ships cost me from the day I was made a commander until I got my flag, and I had seven different fresh commands."

The writer of this letter would be regarded by the officers of the navy generally as a fortunate man; and, without reference to his interest or his position, I doubt whether the profession would not say he is one the most brilliant and best officers we have. He had what is usually called the good luck to obtain seven commands between his commander's rank and his flag. How little do the profession suppose that these advantages, as they are termed, have been gained at a cost to his own pocket of £4,000! The next letter comes from an officer also of high distinction, now commanding one of our blockships. He writes in these terms:—

"I have dipped heavily into my small private means to arrive at and keep up my position, and unless there were a naval war, when I would live on bare ship's allowance rather than not serve, I could not afford to take a more active command than that I at present hold, from the feeling that I should be unable to support my position as it ought to be maintained in the service afloat, and at the same time do justice to my children; and I know of many officers who are similarly 'circumstanced.'"

I shall now read a letter from an officer who is not at present on full pay, but who was so a very short time ago, because I myself appointed him to a ship. He writes:—

"In the first place, as you clearly pointed out, on a captain commissioning a ship he cannot prepare himself for sea to proceed to a foreign station under a sum varying from £300 to £400, depending on the class of ship he is appointed to and the station he is ordered to; and how is an officer dependant on the service to obtain this sum except by borrowing, and what prospect has he of repay-

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ing it with interest at the end of his commission, when his full pay is barely sufficient to provide common necessities for himself, to say nothing of having to entertain his officers occasionally at his table? An officer placed in such circumstances is prevented from being as courteous as he is enjoined to be by policy, and even by the rules of the service, to foreign officers whom he is constantly meeting; he cannot even return the civilities which they show him. This distressing and undignified position I have personally experienced in the ship you gave me a commission to. . . . At this time an American commodore and other foreign ships were at anchor in the bay, when, of course, the usual civilities of calling, &c., were exchanged, and I was frequently invited to dine on board one or other of these ships, when I was at once placed in the painful and perplexing position of accepting these invitations without the means of returning them, or refusing them, and feeling ashamed to state the plain reason that my country did not pay me sufficiently to enable me to return their hospitality. . . . This is the position every captain or commander commanding a ship is more or less subject to on receiving an appointment—a position which I feel confident the House of Commons will never permit the captains of the English navy to be placed in when it is fairly pointed out to them—and is a complete corroboration of your statement in the House."

Let me read one more letter from an officer who a year ago was on full pay as a commander. He writes:—

"I can speak from experience as to the pay of a commander and a lieutenant in command, having served four years and a half in the former and nearly two years in the latter rank; and I am quite sure, unless an officer has some private income, a command is a source of expense, and not of emolument."

I referred on a former evening to the difference between the French service and ours in this respect. France does not allow her officers to be exposed to these painful difficulties and trials. In the same letter I have a brief statement of the rates of pay in the two services. A French lieutenant in command receives 15*l.* a day as table money, which is equal to 12*s.* 6*d.*, and his daily pay is 7*s.*; total, 19*s.* 6*d.* An English lieutenant in command receives, daily pay, 11*s.*; light money, 1*s.*; value of rations, 10*d.*; total 12*s.* 10*d.*, as against 19*s.* 6*d.* A *capitaine de frigate* receives, daily pay, 9*s.* 5*d.*; table money, 16*s.*; total, £1 5*s.* 5*d.* An English commander receives daily, 16*s.* 6*d.*; light money and rations 1*s.* 10*d.*; total, 18*s.* 4*d.*, as against £1 5*s.* 5*d.* I state these facts in confirmation of what I have already mentioned, and to show the great difference which prevails between the two services, and the great hardship inflicted on the English commanders or lieutenants in command, who are called on to discharge

their duties to their country at a positive loss to themselves. I will next advert to the case of the masters. I remember that last year my noble Friend, the Secretary for the Admiralty, soon after assuming his present office, made a charge against me on the ground that I had not dealt with the masters; and the other night, again, he asked me why I had not done this and other things. Well, my answer is that my noble Friend was one of those who prevented me from doing them by turning me out of office. I was prevented from going on with what I had begun, and, therefore, I think it very hard that my noble Friend, who as it were stepped into my shoes, should recriminate upon me. But let me tell my noble Friend that I presume to think that if I had not been turned out of office I should have dealt with the masters rather better than he has done. I do not charge the present Board of Admiralty with doing nothing in regard to the masters, because it has dealt with them, but in such an unsatisfactory way that the complaints are not removed. Now, if I had dealt with the case of the masters at all, I think I should have dealt with it in a manner to quiet their complaints. I have here a letter from a well-known master in one of our line-of-battle ships, and he states:—

"One ill-effect which the late circular must produce is the desire to avoid the regular line of service in men of war, and get into small tenders, storeships, &c.,—appointments which are much more permanent and better paid. These large ships—especially flagships—are to be avoided in a pecuniary point of view. Could I exchange into the smallest possible vessel bearing a master, and having charge of stores, my pay would be greatly increased."

I have another letter from an officer of the same rank, but I will not trouble the House with extracts from it. The substance of the statement is that the changes made by the Board of Admiralty with respect to the masters are not only unsatisfactory to the masters themselves, but are very prejudicial to Her Majesty's service in this respect, that in consequence of these changes there is an increased inducement to enter the service as masters' assistants, but there is no proportionate inducement to remain in the service. Thus you have a number of young men entering as masters' assistants, taking the benefit of the education and training in the navy, and then leaving for the merchant service, where they get on better than if they had

remained in the ill-requited service of the Queen. Another branch of the profession with which the Admiralty dealt was that of the paymasters; but the Board did not deal with them in a way to satisfy them. With respect to all these cases, I must beg it to be understood that I do not commit myself to the expression of any opinion as to whether these complaints are well or ill-founded. I only say that, if they are not well-founded, let them, after investigation, be exposed and disregarded; but if they are well-founded, then let not a feeling of just discontent be cherished in the Queen's service. With respect to the paymasters, I know very well that the higher classes are in receipt of considerable pay as compared with some other officers in the navy; but the complaint they make has reference to their half-pay, and I own it appears to have some foundation. I have a statement showing the full-pay and half-pay of masters, chaplains, surgeons, and paymasters. Taking the mean between the full-pay and half-pay, the difference in regard to masters is 5*s.*, in regard to chaplains 5*s.* 1*d.*, in regard to surgeons and engineers 5*s.* 2*d.*, but the mean difference with regard to paymasters is 13*s.* 11*d.* Consequently there appears a great discrepancy between the treatment of the paymasters, and that of the other branches of the service to which I have alluded. Believing I have laid a foundation for the Motion I have to submit to the House, I will not go into details with respect to the complaints advanced by other classes—engineers, naval instructors, &c. They are all more or less discontented with their position. The argument I draw from these statements is, that such complaints ought to be investigated; for it cannot be to the interest of the service that discontent should continue. I entreat the House to bear in mind that brief, but most expressive sentence, in the Report of the Wellington Commission—"contented, and therefore efficient." If you want efficiency, you ought to have contentment, and you will have contentment if you do justice. Do not, however, refuse to entertain complaints when they are made. We are at present considering the subject of our national defences. One element of national defence is, that your officers, who are your instruments for defence, should be satisfied with their position; and if your officers are contented, you are much more likely to have contented crews. Why should the Government refuse the Commission I

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ask for? If there exist difficulties in the service, why should they not be investigated in the way in which the difficulties in the sister service were investigated? I confess that I have only heard one objection to a Commission, and that was stated by the hon. and gallant Member for Southwark, who said that a Commission would be appointed by the Admiralty, and therefore he would not trust it. I do not share in any such feeling. I do not believe that the Admiralty would deal otherwise than fairly on such a question; and, if a Commission is granted, I am confident that the Admiralty will see that it is properly and honourably constituted. Indeed, there is a considerable guarantee that such would be the case, in the circumstance that the appointment of the Commission by the Admiralty, would be an important public act, performed under serious responsibility, and before the eyes of the public and the profession. As I believe, on the one hand, that the Admiralty would not for a moment be inclined to constitute such a Commission unfairly, so I believe on the other, that, whatever might be their inclinations, they would not dare to attempt any unfair proceeding. I ask the House, then, in the name of the navy, and of the country, to accede to my Motion; and if the noble Lord should not assent to it, I shall feel it to be my duty to take the sense of the House upon my proposition, which I think essential to the welfare of the naval service. The right hon. Baronet concluded by moving,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to consider the present system of promotion and retirement in the Royal Navy, and the present pay and position of the several classes of Naval Officers, and to report what changes therein are desirable, with a view to the increased efficiency of Her Majesty's Naval Service."

SIR MICHAEL SEYMOUR said, that the measure which was proposed was calculated to allay the dissatisfaction which undoubtedly had grown up in the minds of all classes of persons in the navy. These inquiries had been instituted with great advantage to the service from the earliest periods of our history, and he trusted that this inquiry would not be refused now. On those grounds he had great pleasure in seconding the proposal of the right hon. Baronet. With regard to the retirement scheme of the present Board of Admiralty there was much obscurity in his mind, and

he was unable to discover its advantages. There was no doubt that it held out advantages to the junior members of the service, and to them would prove beneficial; but as it had no reference to the officers of the old war, he must enter his protest against it. He entered the service at a period when masters' mates came in as volunteers from the merchant service, and whenever there was hard work to be done these masters' mates, by their gallantry, were most conspicuous; many of them still remained on the list of lieutenants, and he regretted that in the scheme of the noble Lord the services of these officers as mates would not count for increased half-pay and other allowances. He believed that the scheme would bear singularly hard upon those who had not sufficient influence or good fortune to get to sea. Then, as to their condition in respect to seniority, that should be properly and fairly considered. Again, in respect to the reserved commanders having the rank of captains, the scheme would have the effect of upsetting those commanders, and deprive them of those privileges which by existing arrangements they were now entitled to. He considered that no good reason could be shown why the proposal of the right hon. Baronet should not be agreed to. Again, the question of the half-pay required to be adjusted and considered, and he (Sir Michael Seymour) knew of no other mode of doing so than that which was now proposed. Reference had been made to the Royal Commission—and a most important one it was—which was appointed in 1840, and the object of that was to ascertain the relative situation of each rank, and whether it might be practicable and expedient to make any changes, and if so, what, in the present system. That was no party question, and he should be sorry to stand up in that House as a naval officer as a party man in any matter which he believed deeply interested the public service. It would not be necessary for him to enter into details, as that had been ably done by the right hon. Baronet, and with whom he (Sir Michael Seymour) entirely agreed. He had received similar letters to those alluded to by the right hon. Baronet from all quarters, impressing upon him the necessity of the appointment of a Commission like that which the right hon. Baronet asked for, and he trusted the Government would consent to it, as one deeply affecting the efficiency of the service.

CAPTAIN TALBOT wished to bear his

testimony to the feeling existing in the service that such an inquiry was wanted. There was a belief that justice was not done to all classes, and that a strict investigation was necessary. He was not prepared to attack the scheme of the noble Lord, but, at the same time, he thought it did not go far enough. He trusted that the Government would be prepared to appoint a Commission, the necessity of which had been fully substantiated by the right hon. Baronet.

LORD CLARENCE PAGET: Sir, I am far from complaining of the tone and manner in which the right hon. Baronet has alluded to the claims and has set forth the grievances of the various officers in the navy respecting pay, promotion, and retirement. The only thing that surprises me is that the right hon. Gentleman, feeling these grievances so poignantly, did not while he was at the Admiralty redress them. He was in office longer than the present Board have been, and all these questions must have been just as patent to him then as they are now. Why, then, did he not take steps during the time in which he held his high position to carry into effect all these schemes for the benefit of the officers of the navy? [Sir JOHN PAKINGTON: I did.] The right hon. Gentleman certainly did deal with the question, but in a very partial spirit, except with regard to one class of officers—namely, the surgeons, towards whom he acted very generously. The surgeons have very properly shown great gratitude to the right hon. Gentleman, and only the other day an application was made to the Admiralty to allow the right hon. Gentleman's bust to be placed in the museum at Haslar. But why, when he was dealing with the surgeons, did the right hon. Gentleman overlook the claims of other officers? Why were not the claims of the masters, paymasters, engineers, and the chaplains considered? The right hon. Gentleman professed a great and no doubt a sincere desire to improve the position of the chaplains, and he produced a scheme which was such an utter failure that the chaplains declined to avail themselves of it, and preferred to remain under the old system of pay. That is a proof that the right hon. Gentleman, with all his earnest desire to serve the navy, can fail as well as his neighbours. I admit that the proposal which the House has had before it within the last few days would admit of enlargement. I never denied that if we could

deal with those excellent old officers to whom the hon. and gallant Admiral has referred in a more generous spirit it would be very desirable, and would be very agreeable to the Board of Admiralty. But our duty is not confined to getting as much money as we can, but we have to consider what is best for the profession, and I say again, after a careful consideration and comparison with the respective offices in the sister service, that the scheme proposed by the Board of Admiralty is a fair one. It is a curious fact that my hon. and gallant Friend who seconded this Motion admits that this scheme does offer advantages to the junior branches of the service. Why, it was exactly in favour of the junior branches of the service that this scheme was proposed. No doubt, there are men who were mates before I entered the service, and remain still in the junior branches of the navy. Those are things of other days, and I wish to say as little about them as I can. I admit that we who—as my hon. and gallant Friend expressed it the other night—have been born with silver spoons in our mouths have had great advantages over many gallant and meritorious officers; but there are cases of comparison between very fortunate individuals on the one hand, and very unfortunate individuals on the other hand, which hardly bear upon the question before the House. The object of the Government is to produce such a scheme as at the least cost will insure a proper flow of promotion in the navy. That is the principle on which the scheme is formed, and as far as regards the retirement of officers, I believe it will fulfil its object. With regard to mates, it is not now for the first time I have to consider the claims of these officers. All I can say is that the Board of Admiralty has at this moment under consideration the question of mates and their time. There is no doubt that any additional consideration that can be given to that subject will be of advantage, and, if anything can be done which will not involve any very large addition to the public expenditure, the Board will at least take it into their serious consideration. My impression is that it would not be any very great increase of expense if some small allowance for mates' sea-time were granted to those officers who have served many years. These, however, are points of detail which can be better dealt with by the Board of Admiralty than by any Royal Commission. There can be no doubt that a Commission appointed as

Lord Clarence Paget

my right hon. Friend suggests would propose an increase of pay and improvement in the position of officers; but when I show how the cases of all these officers have been dealt with in former times, how their positions have been improved by successive Boards of Admiralty, I think it will be seen that it would be much better that the Department under which these officers serve should be charged from time to time with the duty of making the requisite improvements in their position, and of making such proposals as may gradually conduce to the advantage of the service, rather than to unsettle the whole navy by appointing a Commission which cannot fail to excite hopes that must be infallibly blighted. If you appoint a Royal Commission, it will be taken throughout the navy that you are going to adopt a grand scheme to improve the position and increase the pay of every class of officers in the service. I hold that that would be an unwholesome proceeding. I maintain that, upon a comparison of the navy with the army, as a general rule, officers in the navy are as fairly paid as officers in the sister service. I will just refer to the case which my right hon. Friend has brought before the House, by which he sought to show that the pay of captains in the navy is not commensurate with their position, and that they are compelled to incur great expenses in showing hospitality as incidents of their position. But, supposing that the right hon. Gentleman has this strong feeling for captains, any one would believe that when such cases came before him when he was in office he would immediately have taken up the matter and have adopted steps to remedy those grievances. When he alluded to this case the other night I went back to the Admiralty, expecting that I should find he had taken some steps while he was at the Board. I did find a very respectful memorial drawn up by a captain of a line-of-battle ship, setting forth his expenses and urging that his pay was inadequate to his expenditure. I looked to see what the right hon. Gentleman had done. I found that all the other members of the then Board of Admiralty expressed strong opinions that the pay should be increased; but when the memorial reached the right hon. Baronet I only found the word "read." That was all the notice he then took of a very respectful memorial which was laid before him. I only want to show that my right hon. Friend when out of office and with full

leisure to think over these matters is bringing forward cases with which he should have dealt himself when he was at the Admiralty. As to this very memorial, what has the present Board done? It was unfortunately laid before them after the Estimates had been prepared, but the Board made a Minute that in the next Estimates the case of the captains should be dealt with, and at the beginning of next year we shall be prepared to propose some increased allowance for officers in command of ships. It is a question I think of great importance to the service, and one that ought to be admitted. The right hon. Gentleman made a comparison between the pay of officers in the French and English navies respectively. But again my right hon. Friend tells the House what is certainly interesting, but what is not complete. He omitted to state that the captains in the English navy get allowances of plate, linen, &c., which are not granted in the French navy, and those allowances must be taken into consideration in instituting a comparison between the pay of those respective services. The hon. and gallant Member for Devonport (Sir Michael Seymour) alluded to the time passed in the Coastguard service being by the Admiralty proposal allowed to count as one year in three. I would ask my hon. and gallant Friend, a distinguished officer who has been all his life at sea, whether he thinks that officers serving in the Coastguard are entitled to count their time as respects superannuation and half-pay exactly as if they were serving on distant foreign stations, many of them unhealthy and very expensive? I say the idea is perfectly monstrous. It would be a gross injustice to the officers on active service; it would hold out a premium to every married officer, who would, no doubt, be very glad to live with his family, to say, "I will enter the Coastguard, where I have equal hopes of promotion, superannuation, and increased half-pay. Why should I go and serve in the West Indies, or on the coast of Africa?" It would be impossible to carry out any such scheme as that. With regard to harbour and guardship service, I think it may very well be arranged that the time during which officers are employed in the harbour guardships should not count altogether in the same ratio as the time passed in real sea service. An hon. Member proposed to put a question to me to-day as to the actual position of the reserved captains. The position of

those officers, according to the Admiralty scheme, is this:—Reserved captains who have served less than 9 years will continue to receive the half-pay which they may be receiving at the time of retirement. Officers who have served over 9 years and under 12 will receive 10*s.* 6*d.* per day; those who have served over 12 and under 15 years, 12*s.* 6*d.* per day; those who have served over 15 and under 20 years, 14*s.* 6*d.* per day; and those who have served more than 20 years, 16*s.* 6*d.* per day. I beg the right hon. Member for Portsmouth's attention to this. Every reserved captain who has served at sea above 20 years will receive an addition of 6*s.* a-day to his half-pay. The right hon. Gentleman seemed disposed to claim for these officers the same position in the Navy List as those have who are liable to go upon active service. It would, I maintain, be very unjust to officers on the active list if men nominally having the same commission but never liable to be called on to serve were allowed to rise with them on the Navy List, and so to struggle upwards with them for their flags. The right hon. Baronet the Member for Portsmouth, when as First Lord he established his scheme, distinctly stated over and over again that he could not put this class of officers in the same position as the active list; and successive Boards of Admiralty have always acted on the same principle. With regard to the Motion of my right hon. Friend, I think it far better that these cases should be dealt with by the Government as they arise. A reference to what has been done of late years will, I believe, show that it is unnecessary to have a Commission appointed to examine this question. For instance, in February, 1855, the rates of full and half-pay for masters, second masters, and masters' assistants were revised, and retirement at sixty years of age provided for. In April, 1856, the rates of captains were established; and though I do not mean to say that the changes were always advantageous, yet they are a proof that the subject was constantly engrossing the attention of the Admiralty. In January, 1856, an Order in Council was issued, increasing the pay of chaplains in the navy; in the same month a second Order was made, regulating the full and half-pay, and otherwise improving the position of masters; in May, 1859, the pay granted to the medical officers was established by a new Order in Council; and in the same month a fresh regulation

was made respecting the pay of the chaplains, which Order in Council was afterwards cancelled from the fact that the chaplains declined the conditions under which the advantages were offered to them. During the period to which I have referred, there were also numerous changes in relation to the retirement and pay of the Royal Marines. I quote these facts in order to show that this subject has been constantly before the Admiralty, and that as it becomes manifest that the pay or position of any class of officers requires revision their case is taken into consideration, and year after year Parliament is asked to grant considerable sums for their benefit. And this has been done not by one Government and one Board of Admiralty, but by every Government and every Board of Admiralty in succession, I think, therefore, it would be wiser to trust to the responsible department of the State to suggest such alterations as may from time to time be required to improve the position of those officers who may appear to be insufficiently paid, rather than, by calling together a commission, to open the whole subject, and thereby, in my opinion, to render the officers of every branch of the navy unsettled in their minds. Each grade thinking it has a grievance would naturally bring it forward, availing itself of the opportunity thus afforded to it, as we should all of us do in the same case if we knew that a body of men were about to sit for the improvement of our condition. For that reason I believe it is most undesirable that such a Commission should be appointed. With due respect for my right hon. Friend, and for the great zeal and talent he brought to bear on the discharge of his heavy and important duties while at the head of the Admiralty, I say it is most injurious to the public service, when the man who may fill such an office comes down and tells the House of Commons that every class in the navy is discontented. I say that is holding out a positive premium to discontent. I beg leave to deny that this wide-spread dissatisfaction exists. Naval men, no doubt, like all other Englishmen, have the privilege of grumbling, and a blessed privilege it is, and that sometimes they have a good cause for their grumbling I am quite ready to admit. But Boards of Admiralty—whether that presided over by my right hon. Friend or the present one—have had these very questions relating to the pay of captains and other ranks continually before

them, and wherever the Board sees any class of officers whose position requires improvement, I can only say they will not fail to give the matter due attention. Under these circumstances I trust the House will not agree to the Commission for which my hon. Friend has moved.

SIR JAMES ELPHINSTONE said, he could not regard the speech of the noble Lord as having satisfactorily shown that the proposed Commission should not be appointed. The noble Lord had told them that post captains on the reserved list would receive certain advantages from his plan, but he did not think that the same advantages ought to be given to officers who had served in the Coastguard. He would show the House what the services of those gentlemen really were, having received a very simple statement from one of the officers on that list of his case, and the effect of the noble Lord's scheme on his position—and he believed the case was a fair sample of many. The gentleman in question had served 16 years as a midshipman, 17 years as lieutenant in the Coastguard, and 7 years as inspecting commander of the Coastguard—making altogether 40 years' service, for which service he would receive seven years' and nine months' consideration under the new scheme. In the course of his service he had had his arm broken and been otherwise wounded in six different encounters with smugglers, his life being three times despaired of. His services as midshipman and mate were in war time, and had extended over almost as long a period as many gentlemen born with silver spoons in their mouths served to get the rank of post captains; and after all those years of service he had actually no other means of getting employment than by entering the Coastguard, for no other means was open twenty years ago to officers of that class. That was not an individual case, but on the contrary hundreds might be enumerated, and he asked whether that was not a class of officers who ought to enjoy the same advantages as those who had been more fortunate in obtaining employment in the service. He could state of his own knowledge that very great discontent did exist among all classes of officers in the navy, and that not only did it exist, but there was the strongest grounds for its existence. He thought, therefore, that such a Commission as was asked for ought to be appointed. It should be of a very wide and comprehensive

character, and the inquiry under it ought to commence with the warrant officers, who from the paucity of efficient midshipmen very frequently had to perform the duties of officers of that rank. He complained that by some extraordinary arrangement the Admiralty had succeeded in cutting off at least thirty years' pension from the officers' widows, and that many of the changes which had been made, so far from being an advantage, were detrimental to the interests of the warrant officers. He thought, also, that they should exercise more care than they did in introducing young and but half-educated boys into the navy. The way in which this was done was this—some influential elector in a county or borough wanted to get his son into the navy. He immediately went to the Member for his place, who got the boy sent to the *Britannia*, and after a short time he was drafted into the navy. He contended that many of these boys would never make really good and efficient officers. Let a boy have a good classical education at a public school, if possible, and then put him into a naval college, and at fifteen or sixteen he might enter the navy, and would learn his profession a great deal faster and better than a youngster placed in the navy under the other system would ever do. He had always remarked that well-educated young men became speedily proficient in their duty at sea, and the reason was obvious: they were much more intelligent than the great mass of boys who entered the navy uneducated and their minds totally unformed. In the same way they found that the Volunteer corps had learned their duties much more quickly than ordinary recruits did, because they were intelligent, and at once comprehended the nature and effect of the orders which they received. He thought that the time of a Commission might be most valuably employed in ascertaining the character and acquirements of the class of boys who entered the navy, with a view of becoming its future commanders and officers. The lieutenants had not the same advantages as officers in the army of the same rank; they were not allowed servants; they had no leave or any opportunity to visit their friends and families; their position altogether was inferior to the position of officers in the corresponding rank of the army. Very often they were sent to command small vessels at sea, and had duties cast upon them which were of the most arduous

description. A lieutenant commanding a gunboat or a vessel of that size would have a second master, and an assistant-surgeon, but at the same time he himself would have to do all the pen-and-ink work on board the ship, and there would be the same amount of that work on board that small vessel as there would be on board the *Royal Albert*, while he only received an addition of two shillings a day to his pay. The noble Lord said that he intended to look into the case of the post captains. It was high time that he should do so. There were now many captains and commanders who were carrying on the business of the country out of their own funds; and he did not believe that there was a single captain in our magnificent fleet who had not a private fortune who would not be glad to exchange to half-pay if he could honourably do so. The expense of entertaining not only their own officers, but those of other squadrons and of foreign navies and strangers of distinction, was so great that it must seriously diminish the private fortunes of all captains of line-of-battle ships and frigates. He thought that the introduction of a different system of mess on board ship would be attended with the greatest advantages, especially in small ships, for he never could understand why a captain in the navy should sit in solitary grandeur dining by himself in his cabin instead of being president of the mess on board his ship, in the way that colonels of regiments were presidents of the officers' mess. Not only in such cases would the general comfort of the officers be increased, and many irregularities abolished, but the tone and manner of the younger officers, he thought, would be greatly benefited by association with their seniors and their superior officers. The right hon. Baronet the Member for Droitwich had stated what were the rates of pay in the French navy. With the permission of the House, he would mention those of the American marine. In the American service a senior captain received £1,177 per annum; a captain in charge of a squadron, £1,041; all other captains, £911 9s. 2d.; commanders who had served five years, £650 5s.; those who had commanded less, £588 10s. 10d.; lieutenants after thirteen years, £468 16s. 11d.; after eleven years, £416 13s. 4d.; after nine years, £395 10s. 6d.; after seven years, £354 3s. 4d.; under seven years, £312 10s.; mates, £172 18s. 4d. Lieutenants after thirteen years service got £18 a year more than

post captains in the British navy; junior lieutenants more than commanders; and mates within a few pounds as much as commanders. [Lord CLARENCE PAGET: Read the half-pay.] Captains on leave or waiting for orders, which answered to our half-pay, got for the first five years 1,900 dollars, and for the second 2,016 dollars; lieutenants received from 1,200 to 1,450 dollars. He was not, therefore, surprised at hearing the comments which had been made on the rate of pay, and he sincerely hoped that this Commission would be appointed, and that the whole subject would undergo the closest and most searching investigation.

SIR CHARLES NAPIER said, he came down to the House with the firm determination of opposing the right hon. Baronet. Since hearing his statement, however, he had changed his mind. He had never before heard any First Lord of the Admiralty support the claims of the officers of the navy as the right hon. Baronet had done, nor had he ever listened to a fairer and more accurate statement of their case. The right hon. Gentleman had shown that the treatment of the captains in the navy was most unfair and most injudicious. Now, it was of the utmost importance that the captains should be properly remunerated. He knew from experience how prejudicial it was to the discipline of the navy when their pay was inadequate to maintain the dignity of their position by receiving their officers at table and living in proper style. It lowered them in the eyes both of officers and men. When the captain was forced, from the smallness of his means, to order a chop and potato for dinner, there was a great quizzing at the galley, and he was called "a poor, miserable, shabby devil." His outfit too involved a very considerable expenditure. It was impossible for a captain to furnish his quarters on board ship, even in the most economical manner, for less than £300. It was quite true that the Admiralty supplied officers with linen and plate, but they charged more than a Jew's price for them. It was the first time their position had been fairly brought before the House, and he thanked the right hon. Gentleman for having done it. He would certainly vote for the Commission with his right hon. Friend, and he hoped it would inquire not only into the position of the higher class of officers, but also into that of the warrant and petty officers and seamen, whose condition

Sir James Elphinstone

undoubtedly required amelioration. He trusted also that the Commission would not neglect to inquire into the provision made for warrant officers' widows, which was quite disgraceful. The question of promotion ought also to occupy the serious attention of the Commission. It was absurd to hope that political interest would ever cease under any administration to have its effect on the disposal of patronage, but surely merit and seniority ought not to be entirely overlooked. In France so many officers were promoted by seniority, and so many by what was called "selection." That was a question the Commission would do well to consider. The noble and gallant Lord (Lord C. Paget) had told the House that they had better leave the matter to the Admiralty, and that he was going to do a great deal next year. But the Admiralty was a moveable body, and perhaps the noble and gallant Lord might not be in office next year to fulfil his promise. Besides, experience warned them that very antiquated notions prevailed at the Admiralty, and that a question of this kind could not be left entirely to its discretion. The noble Lord had asked why, if the right hon. Gentleman (Sir John Pakington) complained of so little having been done, he did not do more when he was at the Admiralty. It was only fair, however, to remember that the right hon. Gentleman effected much, and, if he had remained in office he had not the smallest doubt he would have done a great deal more. He did not think that the right hon. Gentleman was open to the charge brought against him by the noble Lord, of causing discontent among the officers of the navy. He had, on the contrary, endeavoured to ameliorate their position, and had left a bright example for his successors to follow, which he was sorry to say they had not done; moreover, a Member of the House who showed what real grievances those who served in the navy suffered and endeavoured to remedy those grievances contributed, not to create discontent, but to produce a better feeling throughout the service. The noble Lord's attack upon the right hon. Gentleman was both unjust and ungenerous. If the noble Lord could show that the present Board of Admiralty had been more successful in its administration than the last there would be some reason why the noble Lord should find fault with the naval administration of the right hon. Gentleman. Before the noble Lord came into office he made many most

severe accusations against the late Boards. He accused them of spending £5,000,000 in eleven years, either improperly or without accounting for it. The noble Lord was not able to justify that accusation before the Committee, but he had never withdrawn the charge. The noble Lord was mistaken in asserting that his (Sir Charles Napier's) speeches had caused discontent in the navy, and that he had gone about among the sailors to excite discontent. He had, on the contrary, kept away from the men, for the express purpose of averting such a charge. When the noble Lord said that corporal punishment should be done away with, he did more harm to the service than he would ever be able to do good. He should support the Motion for a Commission, and he trusted it would be composed of men who really knew the service, and who were not afraid to speak their minds to the Admiralty. If, however, the recommendations of such a Commission were only to be partially attended to, like those of the Manning Commission and the Greenwich Hospital Commission, then it would be better not to appoint a Commission at all. If the rules of fairness and justice were observed there would be no difficulty in manning the navy. With regard to the officers, if the discontent which was said to exist really did prevail, the sooner the Admiralty set to work to ameliorate their condition the better.

SIR FRANCIS BARING would not enter upon the numerous topics which had occupied the attention of the last two Speakers, but would address himself to the actual question before the House. The Motion of the right hon. Gentleman was for an inquiry upon two grounds. The first, which stood at the head of the Motion, was for a Commission to consider the present system of promotion and retirement, and the pay and position of the officers. The second branch of the inquiry stood upon a different footing, and he would first take that question which in the course of his official career claimed much of his attention—namely, retirement from the service. Now, upon what ground did the right hon. Gentleman ask for an inquiry into the subject of retirement? He must regard this as much too serious a matter to be dealt with as a party question, and he confessed he was struck with the want of any good ground for the appointment of a Commission for taking the retirement of officers out of the hands of

the Admiralty, and vesting it in an independent authority. Was any great evil shown to exist in regard to the present state of promotion and retirement? When he (Sir Francis Baring) was at the Admiralty the list of Admirals was filled with officers incapable of going to sea, and who by their age were, however gallant their services had been, unfit to command in time of war. It was admitted that this was no longer the case, and this was an important improvement. When he came into office it was his duty to look out for an Admiral for some service that was required. After doing his best he was obliged to choose an officer who was above seventy years of age. If war had broken out at that time, there would only have been two Admirals under sixty who could have been sent to sea. He earned a great deal of unpopularity by the measures he undertook, but he had the consolation of feeling that, if a war now broke out, and it was necessary for the Admiralty to look out for an Admiral, there would be plenty of Admirals young and active enough to be able to do their duty and serve their country efficiently. The captains' list was at that time similarly encumbered. An officer was, however, no longer obliged to serve thirty years as a captain, and the captains' list was now amply supplied with young and efficient officers. With regard to commanders and lieutenants, a fixed number for each rank was established. It must be admitted that until the specified number was reached promotion was slow, to a certain degree. If the right hon. Gentleman, however, fairly compared the promotion of ten years under the new system with the promotion of ten years when there was no limit, he would find that the promotion of captains and commanders was much more rapid now than in the old times. Promotion was then made out of 3,000 names, while it was now made out of 1,000, so that the chance of promotion was much better than it used to be. After a considerable struggle things had just been brought to this condition—that the list had been brought down to a proper number, and for the future every vacancy would be filled up, promotion would consequently be more rapid than it had ever been before. In short, they had got into that position which had been the day, dream of successive Lords of the Admiralty for many years past. Was this then the moment for disturbing the arrangement by which the object so long sought for

had been accomplished, or to enter upon an inquiry which would excite hopes of a great change in the existing system of retirement that were not likely to be realized? He would remind the House that however generous their feelings towards the profession, they had a duty to perform, and would urge them not to be led away by their feelings to do that which he believed would be alike injurious to the service and to the officers themselves. What happened at the close of the great war? The consequence in some degree of the pressure put upon the House, and of those generous feelings towards the naval profession to which he had alluded, was to force on a mass of promotions, the evil effects of which even to this day were not altogether removed. In one single year 1,000 lieutenants were made and placed upon the active lists; but it was impossible to find employment for them, so that they were really in a worse position than if they had been allowed to retire from the service, and turn their abilities into some other sphere of action where they might have been profitably employed. He hoped the House would take warning by that example, and not allow their feelings of generosity to carry them too far. The right hon. Baronet the Member for Droitwich referred to three plans which had been submitted to the late Board of Admiralty, and urged that as a ground for inquiry; but he (Sir Francis Baring) confessed that up to the present moment he was not aware which of those was the ultimate plan of the right hon. Baronet, and which scheme the late Admiralty Board recommended. Certainly he could not recognize the suggestion of those three plans as any sufficient ground for appointing a Commission. The right hon. Baronet said he had reason to believe that this plan had the approbation of the navy, and he (Sir Francis Baring) took it for granted that the right hon. Gentleman's own Board approved of it. If so he should be glad to know which plan it was. The rumour, however, went that it was not quite so acceptable to the right hon. Gentleman's colleagues at the Admiralty. But whether that were so or not, the right hon. Gentleman was bound to show, on moving for a Commission of inquiry that there existed some specific evil which required a remedy. The inquiry into which the right hon. Gentleman asked them to enter was a very formidable one. It was an inquiry into the promotion, retirement,

pay, and position of all officers in the navy. To justify such a Motion very strong grounds were necessary. No such ground had been shown, and he had heard nothing which would warrant the House in taking these questions out of the hands of the Government, who were responsible, and handing them over to a Commission. The ground of the recommendation of the mixed Commission had been cut away, for it had been proved that, with regard to naval flag officers, there was a sufficient number of young active officers now upon the list. It was said that the lieutenants were satisfied with the state of things in 1842; but if so they had materially changed their tone since he was at the head of the Admiralty in 1849—for then the state of the navy was represented to be as bad as bad could be, and he heard from all sides grumbling enough to satisfy even the right hon. Gentlemen opposite. But he objected altogether to taking these subjects out of the hands of the Government, and handing them over to a Commission. He did not say that there were not questions in which it might be well to appoint Commissions of Inquiry; but, as a general rule, it was far better for the House of Commons to hold the Government responsible for the proper and efficient performance of the duties which properly belonged to it. Suppose a Commission appointed and certain recommendations made. The House would naturally insist upon those recommendations being carried into effect. Who in that case would be responsible? Certainly not the Government, for they might altogether differ from them. Nor would it be the Commission; for no responsibility could attach to them beyond the inquiry itself. The Commissioners would look only to the immediate object for which they were appointed; whereas the Government were responsible for all that they did; and would, consequently, take a broader and safer view of any question upon which they might be required to deliberate. Again, he reminded the House that these Commissions were expensive luxuries. These questions of pay, promotion, and retirement were no light matters; and he recommended the House to leave them in the hands of the Admiralty, who were responsible; and not transfer them to an irresponsible body of Commissioners, who might make recommendations which the Government might consider impolitic and unwise, and yet feel themselves bound to carry out. He

Sir Francis Baring

opposed the Motion, moreover, because, if carried, it would produce uncomfortable feelings in the navy, and excite hopes which could never be realized. There was not a finer service in the world than the British Navy; but, amongst other privileges, it enjoyed that of unlimited grumbling; and he was not surprised at the right hon. Baronet receiving any number of letters from officers of the navy, setting forth cases of individual grievance, as arising from the present regulations. He might be sure, when it was known that he, as an ex-Lord of the Admiralty, took the lead in these questions, he would have plenty of such letters flowing in upon him. There would be many who would believe they had a grievance, because a late First Lord told them so, though they never knew it before. He had heard with great pleasure that the condition of the mates—he meant the old mates of the time of war—was before the Admiralty. He thought they had a case; and he should be glad if, upon consideration, the Admiralty found they could do anything to ameliorate their present position. He had no wish to prevent inquiry; on the contrary, he was anxious that every case of grievance, or supposed grievance, should be investigated; but that the investigation should be by the responsible authorities, and not by an irresponsible Commission.

MR. BAILLIE COCHRANE observed that the right hon. Gentleman who last spoke had touched scarcely at all upon the pay and position of the officers of the navy, which really constituted the most important portion of his right hon. Friend's Motion. He gave every credit to the noble Secretary to the Admiralty for doing all he could for the navy, and if he did not do all he wished, it was because he was controlled in his good intentions. A great ground of complaint was that the navy was not treated with the same consideration as the army. Look at the immense advantage which General Officers had of being appointed to the colonelcies of regiments—but there was no corresponding benefit held out to old admirals as rewards for long and distinguished service. Then, again, military men were frequently appointed to Colonial garrisons in various parts of the world, but it very rarely happened that such appointments fell to the lot of naval officers. He might refer to many other instances showing that the navy was not treated with the same generosity as the army. He brought forward

a case the other day proving that the navy had, in respect to the recent war with China, been treated with great injustice as compared with the army, and he was happy to say that that injustice the noble Lord had endeavoured since to remedy. He could bear testimony to the accuracy of what had been stated by the right hon. Gentleman (Sir John Pakington) in regard to the officers commanding ships, having himself known many officers who had been put to great expense—in some instances to expense they could ill afford—through being appointed by the Admiralty to command. It should be recollected that upon foreign stations the captains of British men-of-war were frequently placed very much in the position of the Foreign Minister, and not only had great responsibility cast upon them, but had often to incur very considerable charge, and it was a well known fact, that many well-qualified naval officers would prefer not to be appointed to ships, because of the expense to which they were in consequence put—often to the serious injury of their families. The noble Lord at the head of the Government brought forward on Monday the question of coast fortifications, and submitted the Government proposition amid the entire sympathy of the House. But he (Mr. B. Cochrane) believed that some of the money proposed to be raised—and this was a question of money—could not be better expended than in doing justice to the naval service, and thus fortifying themselves in the hearts of the people. That he believed would, after all, be found the most efficient fortification. He trusted the Motion would be pressed to a division and carried, the necessity of which he thought was sufficiently proved by the difference of opinion which had been shown during the debate to exist between two ex-First Lords of the Admiralty.

MR. LINDSAY was also of opinion that inquiry was necessary. If they looked at the active list of admirals—not the retired or reserved list—they would find that in 1859 out of 99 admirals on the list there were only 14 employed, that out of 357 captains only 97 were employed, and out of 514 commanders, only 173 were employed. And, if they turned back to the most active period of the late war, when all our naval force was put forward, they would find that out of 99 admirals only 18 were employed, that of 399 captains only 139 were employed, and out of 550 lieutenants, only 192 were employed. This was a matter that

ought to be inquired into, for he held that they had no right to bring men into the naval service unless there was a fair chance of finding employment for them. Here, however, it appeared that so little was the chance of employment that, even during the heat of war, four-fifths of the officers on the effective list were unemployed. The cost to the country of the unemployed admirals, captains, commanders, and lieutenants was, during peace, £509,000 a year; and during a period of war, £484,000 a year. And while the country was paying half a million of money annually without obtaining any service in return for the outlay, the officers were justly dissatisfied with being condemned to waste the best part of their lives in idleness. Let there be an inquiry, therefore, for the purpose of seeing if the supply could not be brought more into accordance with the demand. It was all very well to say that the matter should be left in the hands of the Admiralty; but it should be recollected that the Admiralty had already brought forward a plan which had given no satisfaction. He had that morning received a letter from a distinguished naval officer (whose name he would not mention publicly, but would communicate to the Secretary of the Admiralty privately if he wished it) asking him (Mr. Lindsay), as he knew the disabilities under which officers in the navy laboured, to support the Motion of the right hon. Baronet, and adding that the noble Lord's scheme met with the strongest condemnation in the profession. That scheme did not touch the question of a large number of officers of various ranks unemployed, and inquiry was, therefore, more necessary now than before that scheme was propounded. Then, with regard to the mates in the navy—on the part of the merchant service he wished to remark that in the event of a war the Government would have to bring in a large number of active young officers from that service to assist in the navy. If they expected them to come they must, however, deal more liberally with them than they had hitherto done. They must not shut the door of promotion against them, but give them a fair chance with the rest of rising to the highest station in the service. He should certainly, if the House divided, vote for the Motion.

MR. WHITBREAD said, the hon. Gentleman who had just sat down, and who was known to have paid great attention to all these subjects, complained of the excess

Mr. Lindsay

of officers in high position, and said that we admitted officers into the service whom we could not employ. But the answer was obvious; that it was necessary that in ordinary times we should have a large margin of such officers, because if a war broke out, and we were called on suddenly to man a large fleet, these were the officers whom we could not extemporize. We could easily fill up the lower ranks, but we could not produce on an emergency a number of experienced naval officers. The grounds which had been urged on behalf of this Motion were two. One was the grievances of the captains of line-of-battle ships, and other officers in command who were not allowed adequate table money; and the other, that mates' time was not counted for their promotion. He had certainly expected that the right hon. Baronet would have stated somewhat broader grounds for the appointment of a Commission that was to inquire into so many different points; but he had heard no adequate grounds stated. The right hon. Baronet made no attack upon the system of promotion—he confined himself to broad assertions that discontent which he knew—though the present Board did not—existed throughout the service, and to the two grievances before mentioned. Now, what was the reply of his noble Friend the Secretary to the Admiralty? He stated that the question of the mates' time was still under consideration, and that no decision had been come to by the Board. And then with regard to the table-money question, the rule now so much complained of was, that captains should be paid according to their standing, and not according to the size of their ships; and the origin of the rule was this:—In 1856 it was necessary to appoint officers of the highest standing to small vessels, there being then a probability that the best men would be wanted in those commands. The rule in question was therefore established, on the representation of a large number of officers, who said it was manifestly unfair that when appointed to a fifth-rate they should not have the pay to which by their position in the service they were entitled. Since then, however, a memorial had been presented to the Admiralty on the subject of table money. The right hon. Gentleman was in office at the time, but he could not find that anything was done. In February, however, the present Board decided that the subject should be taken into consideration when the next Estimates were

prepared, which was the earliest moment at which they could bring forward a Vote, unless they were to prepare a Supplemental Estimate for every case that came before them. The right hon. Gentleman said the Admiralty ought to entertain all serious complaints. He believed that this had been done. The changes made in the position of the paymasters, the engineers, and the chaplains were all founded on memorials presented by those officers, but in this case the officers who complained had not manfully set forth their grievances. The right hon. Gentleman had, indeed, taken letters from his pocket and read them anonymously; but he did not call these serious complaints, and it must be remembered that the language of the right hon. Gentleman on former occasions had been well calculated to elicit such complaints. One hon. Gentleman said, that many officers of the navy complained that if it were not for the duty they owed the country they would not take the situations offered them. He believed that was a very usual mode of complaint in all services; but practically they found it all ended in this—that they did take the situations; and, therefore, the grievances were not practically so important as might be supposed. He agreed with every word that the right hon. Baronet the Member for Portsmouth had stated with respect to Commissions. Commissions had not the fear of Parliament before their eyes, and were very apt to recommend the expenditure of vast sums of money, and in fact they generally found that the Reports of Commissions did end in that way. And so, if a Commission were appointed in this matter, it would produce one of two results—either it would cause a large increase of the Estimates, or it would create, what the right hon. Baronet so much deprecated, universal discontent throughout the service. Now, was the navy underpaid? Compare it with the army. A captain in the navy of the first class received £700 a year, a lieutenant colonel of the army about half that sum. Did they find it difficult to induce young gentlemen to enter the navy? It was but the other day they were discussing a Motion which was based on the assumption that there was a great pressure to get into the navy. He was not at all sure that they would be going upon a right principle if they made the navy looked upon as merely a lucrative profession; but he would ask whether even now a poor man's

son found it as difficult to enter and support himself in the navy as in the army? Before the right hon. Gentleman made himself the organ of these complaints, he should have made further inquiry as to what was being done, and what was the relative position of the army and navy in respect of pay. He hoped the House would not agree to the appointment of a Commission, which, instead of remedying a small grievance, would only lead to general discontent.

SIR JOHN PAKINGTON said, the hon. Gentleman said that he had not complained of the system of promotion in the navy. The reason why he had not referred to that question was, that promotion and retirement were, in fact, the same question, the one depending on the other; so that in demanding an improvement in the mode of retirement he was really dealing directly with the subject of promotion. The right hon. Baronet (Sir Francis Baring) had asked—and asked in a tone which showed, he thought, the question an embarrassing one—what were the great evils into which the Commission was to inquire? The answer was supplied by the Secretary to the Admiralty, who had told the House in plain terms what the evil was—namely, a stagnation of promotion to such an extent as to create a serious and a discouraging effect upon the whole naval service. The right hon. Baronet had been First Lord of the Admiralty, and would be the last man to deny that this was a serious matter. Then the right hon. Gentleman, alluding to his scheme of retirement, said the number of promotions had been as high under the present system as under the check system. But the right hon. Baronet did not go on, as he should have done, to give the reason for this. The reason was that the check system, as it was called, had been broken up by Board promotions, which exceeded the restriction of promotion in other ways. The right hon. Gentleman also said that we had arrived at a desirable state of things as regarded promotion. The captains' list might be reduced to the prescribed number no doubt; but the commanders' list was not. [LORD CLARENCE PAGET: It will be by the retirements under the new scheme.] But how long would it remain reduced? It was that miserable hand-to-mouth system that he objected to. No system would answer but a self-acting system, permanent in its operation, and not a mere temporary contrivance. The right hon. Gentleman also said that the

House could not deal with the question in a generous spirit; but he (Sir John Pakington) only asked for a Commission of inquiry, and did not ask the House to deal with the subject at all at present. The right hon. Gentleman further asked a question which would have surprised him coming from the youngest Member of the House, but which, coming from a right hon. Member who had been First Lord of the Admiralty, was quite incomprehensible—he asked why the Admiralty could not deal with this question, and added, “What was a Government for?” But had the right hon. Gentleman never before heard of Commissions of inquiry? Only the previous evening the House was engaged in considering the recommendations of a Commission upon the subject of fortifications. Again, in 1854 a Commission with similar objects was appointed for the army. Why did not the right hon. Gentleman object to these Commissions and ask what the Government was for? When the right hon. Gentleman could only find such excuses for his vote, it proved that there were no strong arguments to be found against the present Motion. The right hon. Gentleman had attempted to ridicule the letters he (Sir John Pakington) had read; but those letters came from officers of the highest character and station, and were quoted by him as the strongest evidence he could adduce in support of his Motion. He would notice one or two points in the speeches of his noble Friend (Lord Clarence Paget), and the Junior Lord of the Admiralty (Mr. Whitbread). He regretted the noble Lord should have departed from his usual courtesy in repeating an attack upon a point which had been previously explained. The noble Lord had asked why he (Sir John Pakington) had not dealt with this question when he was at the Admiralty. The answer was, that he did so as far as he could. He had dealt with the surgeons and the chaplains. He admitted the warrant respecting chaplains had not been successful; but the explanation was that it was based upon the assumption that chaplains of men-of-war, like other officers, adopted the naval service as their profession, but he found that those gentlemen after serving afloat for a few years generally desired to obtain a living or a curacy on shore. The noble Lord had also referred to the captains’ memorial having been marked by him with the word “read” only. That was true; but it was no argument against his state-

Sir John Pakington

ment that he intended to deal with that memorial. Another reason that was urged against the appointment of a Commission was, that improvements had been effected by successive Boards; but that was a reason for a Commission, because so many anomalies and inconveniences had been introduced by the action of different Boards, acting upon various and conflicting views, that a complete consideration of the whole subject was necessary. He could assure the House that he was contemplating while in office the very step which he asked the Government to adopt now. When the change of Government occurred he had not made up his mind whether it would be better to deal with the subject *seriatim* or to appoint a Commission. He made this Motion from no party motive, but solely from a desire to promote the welfare and efficiency of the navy, and therefore he hoped the House would assent to his proposition.

Motion made, and Question put,

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to consider the present system of promotion and retirement in the Royal Navy, and the present pay and position of the several classes of Naval Officers, and to report what changes therein are desirable, with a view to the increased efficiency of Her Majesty’s Naval Service.”

The House *divided*:—Ayes 56; Noes 89: Majority 33.

PACKET AND TELEGRAPHIC CONTRACTS.—RESOLUTION.

MR. DUNLOP, in rising to move Resolutions with the view of bringing packet and telegraphic contracts under the more effectual control of the House, referred to the recommendations of the Committee which had been appointed to inquire into the subject, and to the importance of the considerations which the question involved, inasmuch as no less a sum than £1,000,000 a year was now expended under the head of packet contracts. One subsidy alone amounted to £268,000 a year; and one of the telegraphic contracts was for so long a period as fifty years. The Committee which had just concluded its sittings were of opinion that these contracts should be brought more immediately under the control of Parliament than they had hitherto been, and it was the object of his Resolutions to carry that recommendation into effect. Now, it might be contended

that a sufficient check for the provident expenditure of so large a sum was to be found in the fact that the various items were set down in the Estimates which annually came before the House; but then it should be borne in mind that the Votes taken for contracts furnished no intimation as to their renewal in those instances in which they were renewed; and thus the first Vote for a renewed contract to subsist for an additional term of years was taken, and the new contract held to be thereby confirmed by Parliament without any notice to the House that the Vote was not for the service under the previously subsisting and unexpired contracts, the renewals often being made by anticipation, and before the subsisting contract had expired. Then, again, even as to services entirely new, these frequently did not come into operation for a year and a-half or two years after they had been entered into—and consequently the Votes were not laid before the House until some time after the contracts had been executed, the contractors having, in the meantime, gone on building vessels and making the other necessary preparations for the performance of new engagements; so that it was almost impossible for the House to exercise with respect to Votes so submitted to its notice a fair and deliberate control. To such an extent, indeed, was that the case that it was only in those instances in which there had been some alleged misconduct on the part of persons in obtaining a contract that the House hesitated as to whether it should or should not be carried into effect, the mere question of the providence or improvidence of the contract itself being scarcely ever brought under the consideration of Parliament with any practical result. Now, the object with which the Committee had been appointed was to provide a remedy for that state of things. Two suggestions had been made on the subject, one was that before any contract was entered into a Vote for the proposed service should be laid before the House, and, that Vote having been agreed to, the Government should then be at liberty to conclude the contract. To that suggestion, however, arose the objections, that its adoption would lead to two distinct discussions, the one on the Vote for the service and the other on the contract when made, and that by fixing by anticipation the sum to be voted for the performance of the contemplated service the advantage of that competition, by which

the real market price of the work to be done might be ascertained, would be lost. The Committee had under those circumstances adopted the second course suggested, namely, to leave as now the Government the full responsibility of making the contract accompanied by the condition that the terms of that contract should forthwith, if Parliament happened to be sitting, be laid on the table of the House, and that it should not be binding until it had lain for a certain period on the table of the House or been specially confirmed by vote. The result of acting on that recommendation would be that an efficient control over the expenditure of the public money in those cases would be established, for no Government would be disposed to incur the unpopularity to which the immediate exposure consequent upon the conclusion of a careless or improvident contract must, under these circumstances, inevitably lead. In dealing with the subject he did not wish to allude to any special contract, but he might nevertheless be permitted to glance for a moment at the case of the Cunard contract in support of the views which he entertained. That contract, which was, he believed, carried out in the most admirable and successful manner, had been renewed in 1858; so that, instead of expiring in 1862, as it would have done if it had been allowed to run its regular course, it would not come to an end until 1867. Now, without entering into the question as to the expediency of renewing the contract four years before its term would have run out, he should contend that there were important circumstances overlooked in the matter, which, if the contracts had been laid on the table of the House in the way which he proposed, must have been taken into consideration. There was, for instance, the correspondence with Canada with reference to the postal question, in the course of which correspondence the Government of Canada represented to our own that an injury was being done to them by the operation of the contract; the consequence being that an understanding was arrived at that matters should remain on the footing on which they stood at the time, until the Cunard contract had expired, the Government of Canada looking upon that as a pledge that their complaints should be considered before the contract was renewed. Then, again, when the question of the Galway service was first started, it was obvious that in the event

of its being adopted, a part of the mails transmitted by the Cunard line would necessarily be transferred for conveyance by the Galway line at the expiration of the contract of the former in 1862, and a portion of the expense of the Galway service be met by a corresponding diminution of the Cunard subsidy. The possibility of effecting such an arrangement, however, was completely excluded by the renewal, by anticipation, of the Cunard contract four years before its termination; and till the renewed contract expired in 1867 this country will be paying twice, and in both cases at a most extravagant rate, for the conveyance of the same letters. Nor is any security given to the public by the course adopted in some of the telegraphic contracts, which require the confirmation of Parliament, but allow it to be given in the form of a private Act. In the case of the Red Sea and Indian telegraph the agreement had been confirmed by private Bill; but the agreement itself was not recited either in the Bill or in the Schedule, and was not added till it reached the House of Lords; yet this was a contract involving a charge of $4\frac{1}{2}$ per cent on a capital of £600,000 for a period of fifty years. The Acts of Parliament passed in the case of the Atlantic Telegraph Company contained clauses enabling the Government to enter into agreements unfettered by any limitation whatever; and, being private Bills, these unusual powers passed without attracting the attention of the House. The Propositions recommended by the Committee, which were embodied in the Resolutions that he had now the honour to submit to the House, were calculated to secure greater care and providence in taking these large contracts, which ought not to be left to the discretion of the Executive Government without that control which the Constitution required that Parliament should exercise. The hon. Member concluded by moving the following Resolutions:—

“That in all contracts extending over a period of years, and creating a Public Charge, actual or prospective, entered into by the Government for the Conveyance of Mails by Sea, or for the purpose of Telegraphic Communications beyond Sea, there should be inserted the condition that the Contract shall not be binding until it has lain upon the Table of the House of Commons for one month without disapproval, unless, previous to the lapse of that period, it has been approved of by a Resolution of the House.

“That every such contract when executed should forthwith, if Parliament be then sitting, or, if Parliament be not then sitting, within fourteen days after it assembles, be laid upon the Table of

the House, accompanied by a Minute of the Lords of the Treasury setting forth the grounds on which they have proceeded in authorizing it.

“That in cases where any such Contract requires to be confirmed by Act of Parliament the Bill for that purpose should not be introduced and dealt with as a Private Bill; and that power to the Government to enter into agreements by which obligations at the Public Charge shall be undertaken should not be given in any Private Act.”

THE CHANCELLOR OF THE EXCHEQUER: Sir, before you put the Question I have to say one word on the part of Her Majesty's Government. I need not detain the House more than two or three minutes after the clear and dispassionate statement of my hon. Friend, but there is one duty from which the Government cannot be dispensed, and that is the agreeable duty of tendering its warm thanks to the Committee in general, and particularly to my hon. Friend, who, during the most important and laborious periods of the sittings of the Committee, has fulfilled the very difficult office of Chairman, I think, in a manner entirely worthy of his high character and ability. I think the circumstances of one of the cases mentioned were such as to make it eminently desirable that the House of Commons should give particular attention, by some organ of its own, to the system on which our packet and telegraphic contracts are concluded. It is not, however, necessary to enter into the merits of particular cases. One such has recently been discussed on its own merits before the House, and another may possibly come shortly under discussion. Nor, in point of fact, did the appointment of the Committee rest on any one case exclusively. I do not speak in any sense with respect to any single Administration, or to either side of the House exclusively, when I say that it is undoubtedly clear that there has been an excess of discretion, or rather an excess of power exercised by the Executive Government, which is felt on all hands to require limitation. With that subject my hon. Friend and the Committee had to deal; and they have dealt with it with great judgment and discretion. The Resolutions they have proposed are, on the one hand, well calculated to prevent a repetition of former errors on the part of any Government; while, on the other hand, they avoid a difficulty equally serious and involving perhaps as much danger—namely, that which would be caused by the interference of the House of Commons in duties which do not enter into its functions. I have endeavoured to

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look on the Resolutions proposed by my hon. Friend with a critical eye, because I think it was a duty, in the first effort made to lay down rules for the Government, of a system of this kind, to see whether it was possible to detect a flaw in them, with a view to their amendment. Without pretending that these Resolutions will prove in every way applicable to the purpose, or will bring these transactions into a state entirely satisfactory—for experience alone can demonstrate that—I must say that the Committee have well steered their course between opposite dangers, and adopted the very best expedient of which the case admits. There is only one point of expression in which I think it well that at any rate the sense and intention of the House should be made clearer. The first Resolution says that in all contracts extending over a period of years and creating a public charge there should be inserted the condition that the contract shall not be binding until it has lain upon the table of the House of Commons for a certain time. Now, by the term “contract” I apprehend my hon. Friend and the Committee cannot mean to confine themselves to the original formation of the contract, but must likewise intend to include renewals. There is no doubt that when the matter is looked at accurately the renewal of a contract is itself a contract; and, being so, it certainly comes within the legitimate scope of these words. On the other hand, there is a sense of the words in which it might perhaps be held that these renewals might not be included; and I think it is well that the public and all parties interested should understand that renewals, modifications, or alterations in the construction of contracts, which may in themselves be said to constitute new contracts—that is to say, where something is given and taken—must be subject to the order which this Resolution provides. I also think that Resolution a very wise one which provides against the dealing with cases of this kind by Private Bills. I dare say it is in the recollection of the House that during last year there was a Bill relating to the Red Sea Telegraphic Contract, which passed through this House, I believe, without any particular attention being drawn to it, and attached to it was an agreement which pledged the public credit and resources to private parties. That Bill went up to the House of Lords, and was read a third time, and in the

House of Lords the agreement of the Government was inserted in the Bill, setting out the whole of the circumstances in a way to draw attention to it. When the Bill came down to this House, the right hon. Baronet the Member for Carlisle took notice of the wide powers given by the Bill, and drew the attention of the House to them, claiming that they should be considered and examined; but the general opinion of the House was that the matter had proceeded too far, the Bill having been read a third time in the House of Lords, for the Commons to interfere. It was thought to be an undue exercise of discretion that we should avail ourselves of the official information we had acquired, and although, if there had been a general knowledge of the circumstances previously, the House would certainly have taken time to consider the measure; yet under the circumstances it was thought that our hands were tied. But, inasmuch as it was only by the accident of the moment that the House of Lords became acquainted with the real nature of the Bill, it is a clear proof how necessarily and essentially unsatisfactory and insufficient the forms of a Private Bill are with respect to undertakings between the public and private individuals, and how desirable it is that we should adopt such a Resolution as is proposed by my hon. Friend. I think my hon. Friend is right in saying that it is much better to leave the power of interference with the House of Commons rather than to call upon them for a positive approbation. If we had been dealing with the question of a vote of money the case would have been different. If it was a question of an absolute grant of money, then of course we could not have sanctioned any arrangement which passed by the positive interference of the House of Commons; but as this is only a question of contracts, premonitory of a vote of money, and as the formation of such contracts is a matter entirely belonging to the Executive Government, and to which only the machinery of an Executive Government can be suited, I think my hon. Friend and the Committee have exercised a wise discretion in defining the functions of the House, and limiting it to conditions of openly and directly objecting to an undue exercise of power by the Government, and not placing the positive power of authorizing these contracts by a direct Resolution at the hands of the House itself. The Resolutions do not call for any further

comment. They seem to be wisely adapted to the purpose; and again I thank my hon. Friend and the Committee for the valuable service which I think they have rendered.

MR. ROEBUCK was anxious that the Resolutions should not be adopted by the House without a word of warning. It seemed to him that the Resolutions mixed up two distinct offices belonging to two distinct authorities. The Government had an administrative power, for the due exercise of which it was responsible; but the moment the House of Commons was called upon, broadly and distinctly, to give its sanction to an act of the Government, a great portion of the responsibility of the Executive was taken away. Suppose a contract were entered into by the Government and laid upon the table for a month; after that interval the House would have approved the contract. It might, indeed, be said that the House was not asked to give its direct approval; but then, by keeping back its disapproval, it would practically give its approval. The House could not afterwards turn round on the Executive, and say, "You have entered into an improvident contract." The Executive might answer, "You have taken from us our responsibility. The contract lay on the table for a month, and you never found fault with it. All we have to do is to make the contract and submit it to you; when you have given it your approval, we are no longer answerable for it." Nothing that had been said in that debate had caused him annoyance or displeasure. He only wished humbly to point out to the House the danger of the course they were about to take. They might depend upon it, if they mixed up two distinct classes of duties, one of which belonged to the Administration, and the other to the House of Commons, they would relieve the Executive of its responsibility, and thereby introduce serious mischief.

SIR GEORGE LEWIS did not think the circumstance of these contracts having been laid on the table, would deprive the Executive Government of their motives for caution. In a vast number of cases it would be impossible to submit the contracts made by the Executive to Parliament. Nobody proposed, for example, that when the Admiralty bought timber, coal, or other stores for the navy, they should come down and ask the House by Resolution to authorize them to enter into a contract. There was another set of contracts, fortu-

nately of not very frequent occurrence—namely, contracts for public loans; with respect to which it was absolutely necessary to obtain the express sanction of that House. Yet he believed he would be borne out when he said that there was no class of contracts which were entered into with greater care on the part of the Government, with greater publicity, or a greater desire evinced by the Executive to secure the most favourable terms possible for the public, than contracts for loans. The peculiarity of the contracts now under consideration was that they were prospective; namely, for the conveyance of the mails for a considerable term of years, and he much questioned whether the Executive would not exceed its powers, if it entered into such a contract without the express sanction of Parliament. Now, it was with regard to the class of contracts intermediate between the ordinary contracts to which he had referred, and contracts for loans, that the machinery at present proposed was to be introduced. They were not contracts merely for the delivery of a specific quantity of goods, but contracts which pledged the national faith to the payment of large sums of money for services to be performed for a term of years. There was no reason to believe that the publicity and the check of Parliamentary control, which these Resolutions suggested, should in any way diminish the caution of the Government; but on the contrary, they appeared to him calculated to render the Executive still more circumspect in its proceedings.

MR. HOPE said, he wished to suggest that in future so large a question as that of the East India Telegraph should not be disposed of in a Private Act of Parliament. There should, he thought, be some authority in Parliament to provide that business extending prospectively over a period of fifty years, should be brought before it in some shape. He only threw out this suggestion in the event of such a matter recurring.

Resolutions agreed to.

POOR RELIEF, &c. (IRELAND) BILL. COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1, (Lands, &c., heretofore vested in the Commissioners to be vested in Board of Guardians).

SIR JOHN ARNOTT complained that the workhouse system as at present ad-

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ministered in Ireland led to the permanent pauperism of those who received relief, and was productive of much immorality. There was abundant evidence also to show that the health of the paupers was not properly attended to, and that the mortality in the workhouses, especially among children, was excessive. Scrofula prevailed in some of them to a greater extent than even in the worst parts of the towns. He owned that the condition of the workhouses in this respect was not so bad as it was formerly, but there was still great scope for improvement. The Irish Poor Law, he maintained, had been a complete failure. It was enormously expensive, nearly half of the whole funds being absorbed in the expenses of the administration, yet the streets still swarmed with beggars. While $4\frac{1}{2}$ per cent of the population in England, and 4 per cent in Scotland, received relief, the percentage was only $\frac{1}{4}$ in Ireland. The fact was that even the most destitute portion of the Irish population refused to avail themselves of the mockery of relief which the present law held out to them. The convicts, the prisoners, the insane were carefully watched over, but woe to the helpless poor who were sane and honest, for they had no friends. The time had come when an entire change in the Poor Law administration of Ireland was absolutely necessary. Such a change need not be accompanied by an increase of expense, for, judiciously administered, the present rates were amply sufficient. A small trifle of 1s. a week of out-door relief would give to many an opportunity of earning something by their industry, while it would amount to much less than their maintenance in the workhouse. The present workhouses, if out-door relief were judiciously administered, might be reserved for hospitals. He trusted that the Secretary for Ireland would next year meet Parliament with a more humane and economical system of Poor Law administration, so that Ireland might be relieved from a system so discreditable to civilization and humanity.

MR. BERNAL OSBORNE concurred with the hon. Member in condemning the present cumbersome and inefficient Poor Law system in Ireland. If, however, the hon. Gentleman advocated a system of unlimited outdoor relief—[SIR JOHN ARNOTT: Except to able-bodied persons.]—the expense would be so tremendous that the whole of Ireland would be receiving out-door relief. A more infamous system than

the Irish Poor Law as it was now constituted was never foisted on any country. The English Commissioners were Englishmen; the Poor Law Commissioners for Scotland were Scotch; but, of the three Poor Law Commissioners for Ireland two were Englishmen, unconnected with the country either by feeling or property, and Protestants. The Irish Commissioner was a medical man, who did not take so prominent a part as the other Commissioners, and who took charge of the medical business. The result was that the Commissioners were so ignorant of the feelings of the people that they were involved in constant conflicts with the boards of guardians all over the country. The whole system was unadapted to the wants and feelings of Ireland, while the expenses of administration swallowed up almost all the money. He maintained that one of the Commissioners ought to be a Roman Catholic; but when Mr. Ball resigned, an Englishman unconnected with the country and a Protestant was appointed; the Commissioners removed all the Roman Catholics they could lay their hands on, and four inspectors, one auditor, and one Secretary were replaced by Englishmen. He wanted the Irish Members to insist upon a searching inquiry into the Poor Law system of Ireland. The Irish Poor Law Board, as at present constituted, was a disgrace to the country, and he hoped the Irish Members would unanimously press for a searching inquiry.

MR. CARDWELL said, he had no doubt that the intention of the hon. Member for Kinsale (Sir John Arnott) was most humane; but he did not think they could discuss on the first clause of a Continuance Bill a question so wide as the hon. Member had opened. When it was said that the Poor Law administration of Ireland was a disgrace to the nation, the hon. Member must remember that if it really were so, the local authorities and not the Commissioners were to blame. He doubted whether the Irish Members would think the English system so very superior as to induce them to sanction a system of out-door relief. The hon. Member for Liskeard (Mr. Osborne) complained of the ruinous expense of the system. English gentlemen would be gratified to hear that the whole of the Irish Poor Law assessment did not exceed 8*d.* in the pound; while the medical relief, which was more abundant in Ireland than in any other portion of the United Kingdom, was represented by a rate of only 2*d.* in the pound.

As far as expense was concerned, he thought economy had been the rule and not the exception. He certainly thought the Commissioners ought not to be exclusively Protestant, but there ought to be no reproach cast on the individual Commissioners on that account. He was aware that in the extremely interesting union in which his hon. Friend resided there were some disputes; but considering the great difficulty of introducing the Poor Law mechanism into Ireland, so far from speaking of the system as a disgrace, they ought to speak of its introducers, who were philanthropic men, in terms of kindness and respect. At an early period of this Session he received a deputation on this subject who asked for an Inquiry next year. He had offered to commence it forthwith, and on communication with the Poor Law Commissioners he found them equally desirous of an inquiry. If, then, the Irish Members were unanimous in demanding an inquiry next Session, they could have one, provided they would state at once the definite object of the inquiry. He thought that any comparison of the Irish Poor Law with the English would induce Irish Members to pause before they unsettled the present system in Ireland with a view to replace it by the English system.

MR. HENNESSY said, that as to the merits or demerits of the Irish Poor Law system, he differed altogether from the hon. Member for Liskeard, who had a lawsuit with the Commissioners, and had come down to the House to attack them when they could not defend themselves. [Mr. OSBORNE denied that he had had any lawsuit with the Commissioners.] It was alleged that in the majority of the Irish unions the establishment charges were greater than the amount paid for the relief of the poor. The answer was that these workhouses were almost empty, and it followed as a natural consequence that the expense of the staff of officers connected with them was greater than the expense required for the maintenance of the few inmates. He contended that a system of out-door relief would be more in accordance with the circumstances of Ireland than the present system. This was the view of many of the largest proprietors and ratepayers. The practice of confining the relief to the workhouses in Ireland was productive of immorality, as was shown by the great increase in the number of illegitimate children in that country. Out-door relief had been found by experience

Mr. Cardwell

beneficial in Scotland, and equally advantageous to the ratepayer and recipient of relief, and it would be equally so in Ireland. That the existing system in Ireland worked ill was not because the Commissioners were Englishmen and Protestants, but because the principle upon which the Act was carried out was defective. The clause now under consideration would, as he understood it, continue the power of the Commissioners for two years, and he therefore moved an Amendment limiting the continuance to one year.

MR. COGAN rose to corroborate the opinion stated by the hon. and learned Member for Liskeard, that the Commission as now constituted did not command the confidence of any portion of the Irish people. He likewise thought that the modified system of out-door relief might be introduced into Ireland with advantage and economy. It was a curious fact, that while the relief was most inadequate, the expense of maintaining paupers per head was much greater in Ireland than in England or Scotland.

LORD CLAUD HAMILTON, as chairman of a large union and conversant with the administration of the existing system, felt bound to declare that the charges made against the Poor Law system were unjust and unfair to the merits of a scheme which had done so much for the poor of Ireland in the time of their distress. All the attacks made upon it were based upon a period of prosperity, when the unions were nearly empty, except in the case of the sick and the afflicted, and that was the reason why the diet in the Irish unions appeared to be higher than in England. He admitted that abuses had been committed, especially at the time of erecting the unions, but that time had passed away, leaving a *debris*, he admitted, in the shape of useless workhouses. But that was not the fault of the Poor Law system. He trusted the Committee would not interfere with the Government Bill.

Clause agreed to.

Clause 2, (Guardians may admit any Poor Person requiring Medical or Surgical Aid in Hospital).

SIR EDWARD GROGAN thought this clause should be omitted, and that the measure should be limited to a mere continuance Bill.

MR. CARDWELL said, the clause would enable him to effect an arrangement by which the amount of establishment expenditure would be considerably reduced.

There was no new principle involved in the clause. It was merely intended to prevent a waste of money.

Amendment *negatived*.

Clause *ordered* to stand part of the Bill.

MR. HENNESSY moved the insertion in the Bill of the following clause:—

“And whereas, by an Act passed in the 10th year of the reign of Her Majesty, c. 31, s. 10, it is provided that no person who shall be in the occupation of any land of greater extent than the quarter of a statute acre shall be deemed and taken to be a destitute poor person under the provisions of an Act passed in the second year of the reign of Her Majesty, c. 56, for the more effectual relief of the destitute poor in Ireland, or of the Acts amending the same; and whereas it is expedient that the said provision of the said Act should be repealed; therefore, from and after the passing of this Act, the 10th section of the said Act, passed in the 10th year of the reign of Her Majesty, c. 31, shall be and the same is hereby repealed.”

Clause *brought up* and read 1^o.

MR. GREGORY said, that although he was the author of the original clause, he had no wish to see it retained. It was framed and passed in order to prevent an inordinate pressure upon the guardians of the poor; but he fully believed that it had been accompanied with serious evils in time of famine. If therefore the hon. Member pressed the clause to a division, he should vote with him.

MR. CARDWELL said, he was not in a position to oppose the clause.

MR. BAGWELL warned the Committee against the danger of introducing a system whereby small farmers might be led to have recourse to the poor-house in times of distress, instead of depending on their own resources.

MR. GEORGE, and other hon. Members, opposed the clause, on the ground that if it came into operation it would strike at the root of the self-respect of the small farmers in Ireland, inasmuch as after it passed into a law there would be nothing to prevent the occupiers of land in that country, to the extent of thirty or forty, or even a larger number of acres, from seeking relief in a poorhouse.

Motion made, and Question put, “That the Clause be now read a second time.”

The Committee *divided*:—Ayes 84; Noes 53; Majority 31.

Clause *agreed to*.

MR. HENNESSY moved the addition of another clause, enabling guardians to maintain orphans and deserted children out of the workhouse till the age of twelve.

COLONEL DUNNE complained that the

honourable understanding, according to which this was to have been a mere continuance Bill for two years, had been broken. The right hon. Gentleman had not himself departed from the agreement, but he had evaded it by collusion with the hon. Member for the King's County. It was the last time he would be a party to any similar engagement with a Government.

MR. CARDWELL said, the hon. Member ought to reflect on the meaning of the phrases which he employed before making use of them. All that he had undertaken on the part of the Government to do was to confine his Bill to two clauses, which he had accordingly done. After these were carried, additions were proposed for which he was in no way responsible. Neither on that nor on any other subject had there been collusion between himself and the hon. Member for the King's County.

[Several hon. Members repeated the charge that the Government had evaded the understanding that the Bill should be a continuance Bill merely.]

MR. CARDWELL replied, that as far as the Government were concerned the Bill was a continuance Bill only, limited to two clauses which had passed. The new clauses were not proposed by the Government but by private Members, without any collusion on the part of the Government.

LORD LOVAINE moved that the Chairman do report Progress.

After further discussion,

MR. SIDNEY HERBERT suggested that the clause should be withdrawn for the present, and brought up again on the Report.

Motion for reporting Progress withdrawn.

Clause *postponed*. House *resumed*. Bill *reported*; as amended, to be considered *To-morrow*.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT (No. 2) BILL.—[Sir J. SHELLEY.]

THIRD READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [20th July].

“That the Bill be now read the third time; and which Amendment was, to leave out the word ‘now,’ and at the end of the Question to add the words ‘upon this day three months.’”

Question again proposed, “That the word ‘now’ stand part of the Question.”

Debate resumed.

SIR JOHN SHELLEY rose; but the Question having been put.

MR. SPEAKER ruled that he was too late.

Question put.

The House divided:—Ayes 23; Noes 97: Majority 74.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

SUPPLY.—REPORT.

Resolutions reported on Vote 3, £23,000 for Furniture of Public Departments.

MR. CHILDERS called attention to the subject of unexpended balances in the Exchequer of former Votes. In fifteen cases in the Civil Service Estimates of the past year the expenditure had exceeded the Votes, and been paid from the balances of previous years to the extent of £131,189. For printing and stationery last year the Vote was £337,000; the expenditure, £427,000, or no less than £90,000 more than the Vote, the money available from previous balances amounting to £115,000. The House was now asked to vote £23,000 for furniture; but on the 1st of April last £28,000 remained unexpended from former Votes, and it was, therefore, unnecessary to take any Vote this year. Therefore, he moved that this Vote be negatived.

MR. AUGUSTUS SMITH said, that there was now £51,000 to the credit of this Vote, all of which the Government could, if they pleased, spend next week.

MR. LAING said, a recent Committee on this subject had recommended that in future the balances should be brought forward, and the Government had signified their intention to adopt that course. The Government, under the existing system, had no power of expending a single penny not voted by Parliament; and he hoped, therefore, at this hour of the morning (2-30) he need say no more on the subject.

Resolutions agreed to.

House adjourned at Three o'clock.

HOUSE OF COMMONS.

Wednesday, July 25, 1860.

MINUTES.]—NEW WRIT ISSUED.—For Sligo Borough, v. the Right Honourable John Arthur Wynne, Manor of Northstead.

PUBLIC BILLS.—3^d Local Government Act (1858) Amendment; Sheriff Court Houses (Scotland); Coroners (No. 3.)

ECCLESIASTICAL COMMISSION, &c., BILL —COMMITTEE.

Order for Committee read.

SIR GEORGE LEWIS said, he thought it right to state that the advanced period of the Session precluding any lengthened discussion on principles of wide extent that were likely to cause much controversy, he was prepared to withdraw those clauses of this measure which compelled the transfer of the property of a Chapter to the Ecclesiastical Commissioners. The clauses in question were Clauses 6, 7, 8, 9, 11, 17, 18, 19, and 36. He would now move that the Speaker leave the Chair.

LORD JOHN MANNERS said, he was glad to hear that the right hon. Gentleman proposed to omit the whole class of clauses to which he had alluded, which had provoked the strongest opposition; but he must appeal to him further to lighten the Bill, so as to give it some chance of becoming law this Session. It would be recollected that during the animated debate on the second reading of the measure there was one unanimous declaration, made by hon. Gentlemen representing every section of the House, that they had no confidence in the management of the Ecclesiastical Commission. He was not arguing whether this jealousy was well or ill-founded, but of the fact of its existence there could be no doubt; and he defied any one to look at the provisions of this Bill without seeing that it was an elaborate attempt to augment and perpetuate the powers of this obnoxious and distrusted Commission. The right hon. Gentleman had, therefore, exercised a wise discretion in abandoning an entire series of clauses to which the greatest possible objection would certainly have been taken. But on his own principle the right hon. Gentleman would do well to go further and strike out of the measure all those clauses which had for their direct tendency and effect the perpetuation of the Ecclesiastical Commission itself, and the enormous increase of its powers of interference. The right hon. Gentleman had given a schedule of the provisions which he intended to excise; but the clauses to which equal objection could be taken began with Clause 5, of which he intended to move the rejection, and which would bring about the interference of the Commission on every avoid-

ance of every See in England and Wales. The effect of Clause 13 was to place the whole mining and building leases of all the Episcopal and Chapter lands in the kingdom under these Commissioners. Clause 14 also gave them the right of incessant interference with every Bishop's estate in the country to the end of time. Clause 15 handed over to the Commissioners the entire management and arrangement of what were called permanent improvements on all Bishop's and Chapters' lands. All the foregoing provisions culminated in Clause 16, which disclosed what he took to be the real object of the Bill. It suggested to Bishops, Deans, and Chapters that they should hand over bodily the management of all the episcopal and caputular estates in the country to the Ecclesiastical Commissioners. His objection to all these provisions was that they were intended to bring the interference of that Commission into every relation connected with episcopal and caputular estates, and that the unfortunate Bishops, Deans, and Chapters would be so worried and bullied as to be obliged to take refuge, in pure self-defence, in the 16th Clause. The result of this would be that, ultimately, the entire Church property of the kingdom, with the single exception of the livings—an exception which would, probably, by-and-by, be also attempted to be removed—would be placed in the exclusive management of this centralized Commission sitting in Whitehall Place. He, therefore, suggested to the right hon. Gentleman that a question so vast, and which would give rise to so much controversy, ought not to be discussed on the 25th of July, and in so thin a House. Should the right hon. Gentleman, however, seek to force on these clauses, having, as he believed, that one object in view, it would be his duty to take the part permitted to every hon. Gentleman in Committee, and to oppose their adoption with the whole strength which he could bring to bear against them. He, therefore, gave the right hon. Gentleman due notice that if he persevered with these obnoxious provisions at a period of the Session when it was impossible they could be fairly and impartially discussed, he must endeavour to resist the progress of the measure at every stage.

MR. ALDERMAN COPELAND thought the best course would be to withdraw the Bill altogether. The expense of the Commission was enormous compared with the extent of the funds they administered. In

1853, the augmentations of livings and archdeaconries amounted to £85,000; in 1854, £86,000; 1855, £87,000; 1856, £87,000; 1857, £87,000; 1858, nearly £87,000; 1859, £89,000. The expenses in one branch of the account for architects and surveyors were in 1853, £6,600; in 1854, £6,900; 1855, £7,800; 1856, £8,950; 1857, £9,749; 1858, £12,171; 1859, £13,360. But then came other charges in another branch of the account, composed of surveyors and architects, legal expenses, and staff. The expenses of surveyors and architects for 1853, in this account, were £5,467; the legal expenses, £4,280—making together, upwards of £9,700. In 1854, surveyors, &c., £5,500; legal expenses, £5,296. In 1855, surveyors, &c., £6,294; legal expenses, £7,050. In 1856, surveyors, £6,300; legal expenses, £6,109. In 1857, surveyors, £9,100; legal expenses, £8,760. In 1858, surveyors, £10,230; legal expenses £10,177; and, in 1859, surveyors, £9,390; legal expenses, £11,269. So that, in fact, the disbursing of £810,000 cost £171,000. Anything more unsatisfactory than the state of the accounts could not be imagined. They had not even been audited for three years. He had also to complain that during this discussion the Commission had raised the salary of the Secretary £200 a year, and he was informed that the clerks had been raised in a corresponding manner.

MR. EDWIN JAMES hoped the Government—although they were naturally anxious to pass one Bill this year—would withdraw this Bill. A petition which had been presented to the House stated that in the populous parish of St. Pancras, where the Secretary to the Commission declared in his evidence before the House of Lords that the spiritual destitution was an opprobrium to the country, the rector, by a public subscription, had a temporary place of worship provided for those left without spiritual care. He applied to the Ecclesiastical Commission, who subscribed a sum of £30. He (Mr. Edwin James) understood that since then the property in that parish had been sold by the Ecclesiastical Commission to the railway company for a sum of £46,000. Now the effect of the present Bill would be that that money would be expended for ecclesiastical purposes away from that district.

MR. MOWBRAY hoped the House would at once go into Committee on the Bill. Clauses might be inserted which

would provide for the recognition of local claims, which the existing law did not permit, and the Bill might be made effective for many of the purposes of the Church.

MR. AYRTON said, nothing could be more unsatisfactory and grossly unjust than the manner in which the Metropolis had been dealt with. To apply the proceeds of Church property in the Metropolis to the augmentation of livings in the country was most unjust. The object of going into Committee was to remedy those abuses, and unless the House went into Committee, he did not see how any redress could possibly be obtained for them.

MR. FREELAND said, he regretted that the Home Secretary had not consented to adopt that course which he (Mr. Freeland) had ventured to recommend. He had suggested that there should be a preliminary meeting between the Home Secretary and those Members who had given notices of Amendments, with a view to shorten the discussion of matters of detail in Committee. He had known that course followed with advantage in other cases, and thought it should have been adopted in the present instance. Although his Amendments were somewhat numerous, he had framed them not obstructively but with a sincere desire to improve the Bill. He should do his best to aid in the accomplishment of that object, and hoped that the House would go at once into Committee.

MR. WALPOLE said, that one of the objects of the Bill was to remedy the very evils which had been pointed out by the hon. and learned Member for Marylebone. The Ecclesiastical Commissioners had been very severely attacked. It was, no doubt, very easy to array figures and make heavy charges; but the House ought to remember what had been the practical effect of the operations of the Commissioners during the last twenty-five years. He defied any one to say that the expense of managing episcopal estates, under the Commissioners, was greater than it was before; and he would remind the House that the very effect of the creation of the Commission had so improved the tenure of Church property, and so diminished the expense of its administration, that no less a sum than £700,000 had been secured for the Common Fund. The Bill, which had resulted from the labours of a Select Committee on which some of the most eminent Members of the House served, had four principal objects. The first was that fixed

incomes, regulated and settled by Parliament, should be secured to the Bishops, and that as soon as the tenure was converted from an objectionable into a good tenure, estates should be restored to the episcopal Sees, equivalent to such fixed incomes. Secondly, the Bill would place capitular estates on the same footing as episcopal estates, securing to the capitular bodies the full amount of income from those estates to which, by the decision of Parliament, they were entitled. Two or three of those bodies had taken alarm and pressed for the omission of the clauses effecting that object. He would not oppose their wishes, but he warned them that they could not do anything worse for themselves or the Church than "by succeeding in getting the clauses left out of the Bill. The third object was to extend what was called the local claim clause, to which the hon. and learned Member for Marylebone had adverted. Church property might be divided into two parts; one derived from tithes, the other from property of a different description. The Legislature had determined, in the first instance, that local claims should be recognized in the case of tithes, because they were given for the spiritual wants of the locality from which they were derived, and that was the law at the present moment. These clauses enabled the Commissioners, in the distribution of Church funds, to pay more attention to the claims of those localities in which the property from which those funds arose was situated than they were able to do under the existing law. The hon. and learned Member for Finsbury complained that the money paid by Finsbury for prebendal stalls at St. Paul's was not applied for the benefit of that district; and his answer to him was, that the present Bill did extend the application of property derived from local sources. He had been always in favour of attention to local claims, but it should be carried out with the greatest circumspection and caution, and without forgetting the great object of the Commission, which was to provide generally for the spiritual destitution of the country. If they once admitted the principle of local claims, they must give a discretionary power to the Commissioners as to the application of the surplus property. The fourth object was that which the hon. Member for Shields (Mr. Ingham) had always been so anxious to effect, namely, to adopt the recommendation of the Committee by means of which

Mr. Mowbray

the leases of Church property were to be dealt with by the Commission. Already the Commissioners had *bonâ fide* carried out that recommendation, but they ought to have an Act of Parliament to justify them in the course they had taken. Those were the great objects of the Bill, and he trusted that so useful a piece of legislation would not be delayed on the ground that further inquiry was necessary. But for the Commission, the £100,000 a year now received by the poorer incumbents would have gone into the hands of less active members of the Church: how then could it be said that the Commission had not worked well. He asked the House to continue that process first proposed by Sir Robert Peel, and since approved of by every Minister who had applied his mind to the subject, and which had produced beneficial results for the Church and the whole community far greater than could have been obtained in any other way. He did not deny that the Ecclesiastical Commission, like every other public body, had made errors and mistakes; but it must be admitted, on a retrospect of the whole of its operations, that it had conferred immense advantages on the country, and he was desirous of going into Committee in order that those advantages might be made even greater.

MR. INGHAM reminded the House that in calculating the cost of the Commission, it should be borne in mind that the sum of £700,000 received by the Commission by no means represented the value of the property, the surveying and other expenses attendant on the transfer of which amounted to £171,000. The whole value of the property surveyed amounted to about nine millions of money.

MR. T. S. DUNCOMBE said, he very much regretted that the worthy Alderman (Alderman Copeland) had not concluded his observations by moving an Amendment to the Motion that the Speaker do leave the chair; for if he had, he should certainly have supported him. This was just the period of the Session that the greatest jobs were shoved through the House. When they came down that morning they found there were upon the paper between fifty and sixty proposed Amendments to the Bill, and the Secretary of State for the Home Department had just told them that he had been so fortunate as to arrange all those with the Gentlemen who had given notice of them. That was a very suspicious circumstance. He should like to

know how Amendments, the discussion of which would under ordinary circumstances have extended over two months, had been got rid of in such a silent manner. But the Bill would go up to the Lords within forty-eight hours, where it would, no doubt, be received by acclamation, especially by the bench of Bishops; but he doubted whether it would be equally acceptable to the people at large. By whom was the Bill now supported? By the two Members for Durham—a city which perfectly understood ecclesiastical matters, particularly those relating to stipends and money—and the hon. and learned Member for Shields (Mr. Ingham), who might be called an impersonation of lesseeship. He thought it would be much better if the £120,000 a year which was absorbed by the clerks belonging to the Commission, was distributed among clerks of another description, of whom they had heard so much—poor incumbents doing the hard work of the Church. He could not understand why the Bill should not be postponed until next Session, with a view to an inquiry being instituted. The House was indebted to the worthy Alderman for calling attention to the subject, and he thought he would have done well if he had moved that the House should go into Committee upon the Bill that day three months.

MR. LIDDELL wished the House to go into Committee on this Bill, which for the first time recognized the local claims, and which would provide spiritual aid for such places as Clerkenwell and Marylebone, the present position of which he deeply deplored.

House in Committee.

Clauses 1 to 4 *agreed to*.

Clause 5 (Arrangements to be Revised on Avoidance).

SIR GEORGE LEWIS expressed a hope that the noble Lord the Member for Leicestershire (Lord John Manners), notwithstanding the threat he had made, would not resort to any unusual means to prevent the clause passing. He did not wish to force the conscientious convictions of hon. Members, and he would, therefore, readily acquiesce in the decision of the Committee upon the clause after they had heard the reason on both sides. The clause provided, that upon the avoidance of any See, the Ecclesiastical Commissioners should adapt the landed estate attached to it, whether by way of increase or reduction, to the amount of the fixed income allotted by

law to the Bishop. The estate would not be interfered with during the lifetime of any Prelate; but upon the occurrence of a vacancy, the Ecclesiastical Commissioners would reduce or increase the property, as the case might be, to the amount of the fixed income. A fairer or more reasonable arrangement he could not conceive, and he trusted the Committee would be inclined to retain the clause, which, however, he did not consider to be absolutely necessary either to the existing system or to the operation of the present Bill.

LORD JOHN MANNERS moved the omission of the clause. The Committee had already decided that the Bishops should be endowed with a landed estate. Now he could not at all understand such a course of proceeding as first to vest an estate in a Bishop, and then when he had succeeded by good management, extending over a series of years, in increasing his income by five or ten per cent, to introduce the cumbrous machinery of a central board in London for the purpose of investigating that management and cutting up the estate, so as to reduce the income to a fixed sum. He apprehended that the result of this and the two subsequent clauses would be disastrous in the extreme. If a Bishop improved his estate, he would undergo a *post-mortem* scarification, and his memory would be loaded with imputations of rapacity; while, on the other hand, if he took no pains to increase the value of the property, he would be called after his death a slothful and negligent steward of the patrimony of the Church. He believed, however, that the practical effect of the clause would be to reduce all Bishops to take advantage of the 16th Clause, and hand over at once the entire management of their estates to the Ecclesiastical Commissioners. That was the practical result of the three clauses to which he had adverted, and he entertained no doubt that was the real object with which they were introduced. It was impossible to understand why the common incidents of landed property should not be enjoyed by the holders of Sees to which landed estates were attached, or why the Ecclesiastical Commission, with its large and costly staff of clerks, lawyers, surveyors, engineers, and architects, should get a perpetual lease of power, patronage and salaries. Year after year there was an increased indisposition on the part of the House of Commons to pass Votes for the maintenance of the Ecclesiastical Commis-

sion, and before long the whole charge would be placed upon the funds of the Church, when the money which ought to be appropriated to the augmentation of small livings would be used to perpetuate the Commission after its real objects had been attained. The proposition under discussion was directly in the teeth of the deliberate judgment of the Select Committee of 1856, and the inconvenience, expense, and disadvantages of it were obvious. He trusted, therefore, it would be rejected.

MR. AYRTON said, he hoped that the right hon. Gentleman would adhere to the clause, and would not be induced to abandon it. He was no friend of the Ecclesiastical Commission. It was a very expensive Commission, and deserved a great deal of the censure which had been cast upon it; but the noble Lord seemed to think that he was dealing with the mediæval clergy, who were bound by the law of celibacy, and would, therefore, administer the Church estates for the sole purpose of advancing the interests of religion. But recent history had shown that the Bishops had spent the income of their Sees for the benefit of their families, in amassing colossal fortunes, and in founding peerages. He hoped, therefore, that power would be retained to readjust the income of every See the revenues of which, from accidental circumstances, had become larger than were necessary for the maintenance of the Bishop. There might be some reason for allowing a prelate to enjoy the improved value of his See during his lifetime; but could any dependence ever be placed upon the good intentions of dignitaries whose constant practice had been to take large fines, and thus enrich themselves by impoverishing the Church in futurity? He hoped that the House would not consent to part with the Bill without reserving the power of review which would be retained by this clause; for if they did not take care they would have the dignitaries of the Church becoming a mere supplement to the peerage.

MR. MOWBRAY said, the remarks of the hon. and learned Member for the Tower Hamlets were applicable, not to the present day, but to a state of things which had ceased to exist. According to the Bill, the estates of the Bishops were to be leased for twenty-one years at the highest rack rent which could be got; no premiums or fines were to be taken; and the estates themselves were such as not to admit of any great increase of value for a

considerable period. Considering, however, that the 5th Clause would perpetuate the existence and increase the power of the Ecclesiastical Commissioners; that it was condemned by the Committee of 1856; and that, as stated by the Home Secretary himself, it was not necessary for the good working of the Bill, he hoped it would be expunged.

MR. DEEDES said, that though he did not attach much importance to the clause, yet he could not vote with the noble Lord for its rejection, as he thought it might as well remain in the Bill. He repudiated the statement of the noble Lord that there was a desire on the part of the Commissioners to get the management of the property which was assigned to the Bishops. At the same time, if the Bishops desired it, the Commissioners were ready to take the management of the property, as they had done in reference to the See of Durham, at the instance of the right rev. Prelate who now occupied that See.

SIR JAMES GRAHAM said, that Clauses 14 and 15 afforded ample security against episcopal property in the hands of a Bishop holding the property for life being exhausted for the purpose of increasing the income of the life-tenant; and likewise provided for the improvement of the property, and the re-payment with interest of the money advanced for that purpose: and for these reasons he had voted against Clause 16, when it was discussed in the Select Committee. He thought that it was generally acknowledged that the Bishops should not be mere stipendiaries, but owners of landed property. There had been, undoubtedly, in the enjoyment of this species of property flagrant abuses; but against their recurrence ample legislative precautions were now taken. He did not think there was much prospect of any great increase in the value of ecclesiastical property within short periods; but he would suggest that the clause, instead of making it compulsory on the Commissioners to revise, on the avoidance of any See, the arrangement made in relation to the endowment, should convey to them a discretionary power, which might be used in the event of a great increase in the value of the property.

LORD JOHN RUSSELL was rather inclined to think that unless this clause was retained, there would be no power at any time to change the disposition of the estates; though a great increase or decrease in the value of a particular property might

arise. The present clause provided that, if the income should be found to be either above or below the settled amount, then that measures must be taken to reduce or increase it. He agreed with the right hon. Baronet (Sir James Graham) in thinking the clause, as it stood at present, too stringent and mandatory; and, therefore, he proposed to amend it by substituting for the words "an arrangement shall be made," &c., the words "the Commissioners may, if they think fit, make an arrangement," &c.

SIR JAMES GRAHAM said, the word "may" had in some cases been held to be mandatory; but he had no objection to it if the words "if they think fit," were also introduced.

MR. RIDLEY said, he was not satisfied that the words proposed would be sufficient; because the clause, as it stood, was the necessary supplement of Clause 3. That clause gave the Bishop a statutory income; and the present clause was therefore essential to secure that income at the amount at which it was fixed. The clause was not entirely against the Bishops; it was, in reality, quite as much in their favour.

LORD JOHN MANNERS said, that all he wanted was to put the Bishops on the same footing as other landed proprietors as respected the fluctuations in the value of landed property. If the Committee agreed to the Amendment proposed by the noble Lord, the Foreign Secretary (Lord John Russell), or the suggestion of the right hon. Gentleman the Member for Carlisle, he (Lord John Manners) would not press his Amendment for the omission of the clause.

MR. AYRTON suggested that the words should be, "may, if they think just and necessary."

SIR GEORGE LEWIS said, the expression proposed by his noble Friend was the usual one; and, indeed, he doubted whether even the words "if they think fit" were necessary.

Amendment agreed to. Clause agreed to.

Clause 6 (when Commissioners are entitled to three-fourths of Corporate Revenues of a Chapter. All estates, &c. of such Chapter to be vested in the Commissioners).

SIR GEORGE LEWIS observed that this was the first of the clauses relating to Chapters, which he proposed to omit; not that he entertained any doubt of their propriety or expediency; for he believed that

the Church, in the aggregate, would benefit by them, but because it might be thought inconvenient, at the present period of the Session, to discuss them.

Clause omitted; as were also Clauses 7, 8, and 9.

Clause 10 *agreed to*; Clause 11 *omitted*; Clause 12 *agreed to*.

Clause 13 (Lands assigned as Endowments how to be leased).

MR. FREELAND proposed an Amendment to prevent any reservation of Game being inserted in Ecclesiastical Leases. He made the proposal, he said, in accordance with the recommendation of the Episcopal and Capitular Revenues Commissioners in 1850. He had no wish unduly to restrict the rights and privileges of Ecclesiastical persons, but Game questions were questions with which it was essential to their spiritual efficiency that they should not be mixed up.

MR. WALTER trusted the Committee would pause before agreeing to the Amendment just proposed. He was no great advocate of game preserving, but if no power of reserving the game were given to the landlord in this case, the tenant might sublet, and if the property were in the neighbourhood of London, bring persons of a not very creditable kind upon the estate. He did not see why the Bishops, as landowners, should be deprived of the powers which belonged to all other owners of landed property.

SIR GEORGE LEWIS said, that if the Bishop was allowed to make leases he must be regarded during his incumbency as having the ordinary rights of a landlord; and the proposed Amendment savoured of petty legislation. Though Bishops might not be addicted to sporting, they might have sons or friends fond of it.

LORD HARRY VANE hoped that his hon. Friend would not persevere with his Amendment, for he conceived that the objection urged to it by the hon. Member for Berkshire was perfectly valid.

MR. FREELAND said, he thought that the Commissioners were right in 1850, and that he was right now, but as he perceived that the feeling of the Committee was opposed to his Amendment he would ask leave to withdraw it.

Clause *agreed to*; as was, also, Clause 14.

Clause 15 (Provision for the Improvement of Land).

MR. RIDLEY proposed an Amendment
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to leave out the words "and the Ecclesiastical Commissioners may advance out of the common fund," and to substitute words empowering the Governors of Queen Anne's Bounty to advance the money instead. The Ecclesiastical Commissioners made it a rule to increase small livings by gifts of capital sums, and not by annual grants; but if they were to make advances to Bishops out of the Common Fund, it was evident that the grants in the way of capital to increase small livings must be greatly diminished. Various benefactors had offered to assist in the augmentation of small livings, if the Ecclesiastical Commissioners would advance equal sums with them; but the Commissioners had been obliged to refuse, because they had not the means in their possession; and the words in the clause to which he objected would increase the difficulty under which they laboured.

SIR GEORGE LEWIS said, it was not the case that the Common Fund would suffer by these loans, and if the loans were to be made the mode proposed by the clause was the simplest and most economical way of making them. It might be the fact that Queen Anne's Bounty was sufficiently rich to make the advances; but if they were made from that source, it would be necessary to have a set of surveyors and inspectors distinct from the Ecclesiastical Commission. There would be a great addition of trouble and expense, and he did not see any advantage, but the reverse, in the Amendment.

MR. LIDDELL conceived that the clause as it stood was at variance with the whole principle of the Common Fund, which was to make provision for the spiritual destitution of populous places.

MR. WALPOLE said, that the effect of the clause was simply this, that out of the large funds which the Commissioners had got, consisting partly of property coming from episcopal and capitular estates, those Commissioners would be enabled, instead of driving the owners of Sees into the market to borrow money elsewhere, to lend the money, for which they would get interest, on the security of the estates. The income of the Ecclesiastical Commission would not be diminished by this process.

MR. HENLEY said, he thought some inconvenience would result unless a provision were made that the leases should be granted for periods co-extensive with that in which the borrowed money was to be

repaid. In fact, unless this were done the estates in many cases would not be improved at all.

LORD HARRY VANE recommended his hon. Friend (Mr. Ridley) to withdraw his Amendment, as the opinion of the Committee appeared to be adverse to it, and as there did not seem to be any danger of the object he had in view being lost sight of.

MR. RIDLEY said, he had heard nothing to induce him to withdraw his Amendment, which he thought a most reasonable one.

MR. AYRTON pointed out that the Commissioners would always have at their command a considerable sum of money, and they might just as well invest it in the improvement of the Church estates as in the funds.

LORD JOHN MANNERS regretted exceedingly that all these clauses were not postponed until another Session. He was convinced that it was impossible to hope now for satisfactory legislation upon the points which they comprised. If the Amendment were pressed to a division he should feel inclined to support it, as inconvenience might arise if the funds of the Ecclesiastical Commissioners were locked up in the way proposed by this clause.

SIR GEORGE LEWIS said the arrangement proposed had been recommended by a Committee of the House, and if there was to be any such power this was the proper way of creating it. Of course, if it were thought that the Bishops ought not to borrow money for permanent improvements, the clause ought not to pass; but otherwise the plan proposed was the right plan, instead of a loan from Queen Anne's Bounty. As to the suggestion of the right hon. Gentleman (Mr. Henley), the arrangement made in the case of permanent improvements would be such that all parties could protect themselves, and he did not see that any other precaution was needed.

MR. RIDLEY said, that seeing that he should not receive any considerable amount of support from the Committee, he would not trouble them to divide.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 16 (Estates Committee, where required, to manage the lands assigned).

LORD JOHN MANNERS opposed the clause, which would perpetuate the interference of the Ecclesiastical Commis-

sioners in the most objectionable manner from one end of the kingdom to the other. If all the episcopal property in the country were managed by a Commission sitting in Whitehall, which would be the necessary effect of this proposal, was such an arrangement likely to be satisfactory in the localities where this property was situated? In a social point of view, and having regard to those charitable interests which ought not to be lost sight of on this occasion, the management of this property in London would not be so desirable as if it were left in the hands of the Bishop. The hon. Member for East Kent (Mr. Deedes) had said that the Commissioners did not want to manage these estates. Then why not expunge the clause from the Bill? Again, it had been stated to-day that one Bishop had availed himself of the power which he already possessed, and had handed over his estates to the Commissioners. If that were so, and the Bishops had this power at present, that clause could not be wanted. As the Home Secretary had already withdrawn that portion of the measure which referred to Deans and Chapters, he hoped he would also withdraw this proposal. If not, it would be thrown in the teeth of the House next Session, when the question of the Deans and Chapters came to be considered, that the Legislature had already sanctioned the principle in connection with episcopal estates, and that it was too late to object to its application in the case of capitular estates. He moved the omission of the clause.

MR. FREELAND had the strongest possible objection to this clause. It would tend to annihilate the local management of these estates, and to vest the management of them in one or two great London firms, to the detriment of all the local lawyers and surveyors. He hoped that the noble Lord would divide the Committee on this clause, and should have great pleasure in going into the lobby with him.

SIR GEORGE LEWIS said, the clause was a permissive one, and merely enabled the Estates Committee to undertake the management of episcopal estates if the Bishop were not minded to become a manager of landed property—for example, if he were promoted to his See at an advanced period of life, or if his previous habits rendered him unwilling to take upon himself this laborious duty. If, therefore, the Bishop were disposed to employ the Ecclesiastical Commissioners in the man-

agement of his estates, he remaining in possession of them, there could be no reason why this power should not be expressly conferred, although it appeared to exist under the present law. There was therefore no peculiar danger to the interests of local lawyers and surveyors. No sufficient case had been made out against the clause. The noble Lord appeared to think that he was doing an acceptable service to the Bishops in objecting to it, and that he was representing their opinions on this occasion; but he was really *ipsis Hibernis Hibernior*—he was more prelati cal than the very Bishops, for, unless he (Sir George Lewis) was greatly deceived, the clause was not objected to by any portion of the right rev. Bench.

MR. MOWBRAY said, this was another instance of a clause adopted at the instance of Whitehall-place against the distinct recommendation of a Parliamentary Committee. In the Committee of 1856 two divisions took place on this question. It was decided first, by a majority of nine to five, that the management of the estates should remain in the hands of the Bishops; and next day, it having been proposed that in case any Bishop should decline the management the Ecclesiastical Commissioners should be at liberty to undertake it, the Motion was negatived by six to three. It was quite clear now that no legislation was necessary. If Bishops were desirous of putting the management of their estates into the hands of the Commissioners let them do so as individuals, by private arrangement; but he hoped the House would adhere to a decision which had been pronounced by the Committee after much consideration and discussion.

MR. INGHAM supported the clause on the ground that many Bishops might think it undesirable that their time should be engrossed by the duties of managing their estates.

MR. WALTER said, that if the House rejected this clause it would reject the most valuable provision in the whole Bill. He could conceive no greater boon to landowners generally than the option of doing that which the Bishops were now to be permitted to do. Many Bishops, if even they felt disposed to manage their own estates when they were first appointed, might, as they grew older, find their spiritual duties quite sufficient to engross their attention, and might then wish to be released from this secular charge. Indeed, he should be very much disposed to judge

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of the wisdom of the Episcopal Bench by their readiness to avail themselves of the power given by this clause. Let the Committee consider the course which had been taken with regard to the whole question. When the Ecclesiastical Commission first took possession of the property of the Church, and very properly, as he thought, determined to limit their incomes to a fixed sum, they adopted the worst possible machinery for effecting their object. Instead of themselves becoming trustees for the Church, they made the Bishops trustees for them in respect of their estates, and gave them every possible temptation to abuse that trust, by requiring them to hand over a fixed sum to the Commissioners, and allowing them to pocket the rest. Now, however, for the first time, the common-sense principle was to be adopted, and the relations between the Commissioners and the Bishops would be placed on a proper footing. In his opinion, the logical conclusion was, that the Ecclesiastical Commission should manage the episcopal estates, and secure to the Bishops a fixed income, instead of allowing them to continue this laborious and troublesome superintendence. The clause now before the Committee would furnish the means of accomplishing this object, and, if it should be found that the Bishops were generally willing to avail themselves of such a provision, he thought it would become Parliament to consider whether the interests of the Church would not be best served by giving the Bishops fixed salaries, without the trouble of managing these estates, instead of allowing them to continue in the somewhat ambiguous position of great landed proprietors.

MR. BRISCOE said, he had not heard a single objection to this clause upon its merits, and reminded the Committee that if these estates were placed in the hands of the Ecclesiastical Commissioners, those gentlemen would be responsible to this House for their management of the property.

SIR WILLIAM JOLLIFFE said, that his noble Friend (Lord John Manners) was fighting in this matter, not the cause of the Bishops but the cause of the public. If the estates of Bishops were placed in the hands of this Commission, which the clause intended, it would place in the hands of a corporation in London, which had no favour in the eyes of the public, the management of a large portion of the lands of the country. It was clearly for

the interest of the public that this should be resisted.

MR. DEEDES said, he was willing to admit that if the clause were compulsory, there might be much in the objections which had been urged against it; but, inasmuch as it was open to any Bishop or Archbishop to avail himself of it or not, as he thought proper, it was difficult to account for this opposition. He repeated that the Ecclesiastical Commissioners did not want the management of these estates, and if every member of the Episcopal Bench were to administer his own estates, the Commissioners individually would be very thankful.

LORD JOHN MANNERS said, that if the Ecclesiastical Commissioners did not want the clause, why did not the right hon. Gentleman agree to expunge it? He was content to rest this case on the evidence of a gentleman of practical experience, who was one of the witnesses examined before the Committee of 1856 (Mr. Baxter), and who said that, as a permanent arrangement, the keeping of great national property in the hands of a central board was fraught with the gravest possible objection; that it was always better to let the endowments of each church be in the management of its incumbent; that it was safer there from any political convulsion, and was more satisfactory in its general results, as leaving no ground of grievance on the part of the Church against the management of its revenues. There was sound philosophy in that answer.

MR. CAYLEY said, his mind was not made up as to how he should vote, and, as he found the right hon. Baronet the Member for Carlisle (Sir James Graham) four years ago voted, as a Member of a Committee, against the principle upon which the present clause was founded, he would be glad if the right hon. Gentleman would give the Committee his opinions now.

SIR JAMES GRAHAM said, he was not responsible for the framing of the clause, but he would answer the appeal of the hon. Gentleman. He was quite aware of the vote which he gave four years ago, but, not being afraid of a charge of inconsistency, he should support the clause now, believing that upon the whole, after the clauses which the Committee had already sanctioned, this clause ought to be agreed to. He thought there were many reasons why, if a Bishop thought it would be more for the advantage of those over whom he held ecclesiastical authority

that he should devote himself entirely to his spiritual duties unembarrassed by temporal cares, he ought to have the opportunity of doing so, and therefore, and because the clause was merely permissive, he should support it.

MR. MOWBRAY reminded the right hon. Baronet that he (Mr. Mowbray) had before the Committee proposed an alternative to the effect, that where a Bishop did not wish to manage his landed property, it might be vested in three lay trustees residing in the district.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 159; Noes 41: Majority 118.

Clause, as amended, *ordered to stand part of the Bill.* Clauses 17 to 19 *omitted.*

Clause 20 (Provisions of 3 & 4 *Vict.* c. 113, s. 67, extended to all Lands).

MR. MOWBRAY objected to the exception from local obligations of property that came into the possession of the Commissioners by purchase or exchange, and he also desired that the recognition of local claims should be made compulsory upon the Commissioners, instead of discretionary. He should move Amendments in accordance with those views.

SIR GEORGE LEWIS said, he could not consent to alter the exception, but he would agree to make the recognition of local claims compulsory.

MR. MOWBRAY remarked that as the clause stood there was nothing to prevent the Commissioners from selling lands which were liable primarily to local claims, and with the proceeds of the sale purchasing other lands which would not be liable, and thus the locality from which the original funds came would lose the benefit of their prior claim. He should move a proviso to prevent the Commissioners from abusing that power.

MR. AYRTON said, he thought it was necessary both to retain the exception in the first part of the clause, and to add the proviso suggested by the right hon. Gentleman.

MR. MOWBRAY was willing to take that course.

MR. AYRTON said, he objected to the word "places" as ambiguous. If it meant "parishes," then grievous injustice would be done to the Metropolis and other cities and towns where the parishes were not conterminous with the town or city. In London the property of the Church was generally in rich parishes, as at Bayswater

and Finsbury, and the effect of the clause would be that the revenue derived from the Metropolis would be expended in rural districts. In the course of a few years the revenue from property in the Metropolis would probably be about £80,000 a year, while the amount applied for the relief of spiritual destitution in the Metropolis, if continued at the present rate, would only be £10,000 a year. In common justice the remaining £70,000 ought to be applied to meet the pressing necessities of London. The Commissioners at present made grants to parishes where private subscriptions had been raised; consequently the rich parishes, which were alone able to obtain private subscriptions, had also the benefit of the ecclesiastical funds, while the poor parishes, whose inhabitants were not able to raise subscriptions, were wholly deprived of all participation in those funds. He should move, as an Amendment, that the word "places" be omitted and the words "metropolis, or any city, town, or place" be substituted.

Amendment proposed, to leave out the word "places," in order to insert the words "metropolis, or any other city, town, parish, or place."

Question proposed, "That the word 'places' stand part of the Clause."

Mr. LIDDELL opposed the Amendment, as the word "places" was used in other acts, and no difficulty had arisen as to its interpretation.

Mr. WALPOLE said, the effect of the Amendment would be to defeat the primary object of the Commission, which was to distribute the funds for the benefit of the Church generally. He thought that any surplus from Church property should be applied for the benefit of those parts of the kingdom where spiritual destitution was greatest. When it was said that the claims of the Metropolis were great, both on account of population and wealth, it ought also to be said that that wealth was bound in justice to relieve the spiritual distress in its neighbourhood.

Mr. AYRTON said, that wealth had increased and population had increased in the Metropolis, but the great increase of population was where there was not wealth.

Mr. WALPOLE thought that enormous difficulties would arise if they adopted any other definition than that laid down in the existing Act. If the proposal of the hon. Gentleman was accepted, the whole of the Metropolis would obtain exclusively the property obtained from any of its parishes,

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and they would be bound to carry out the principle to the whole country. The property of Durham, for example, would have to go exclusively to Durham, and what would they do with Cheshire and other places where there was no available Church property, and where spiritual destitution was great? The effect would be that very soon, instead of having extensive funds for relieving spiritual destitution, they would have no funds at all, and the great objects of the Commission, which were being worked out with benefit to the country, would be crippled, if not defeated. The hon. Gentleman spoke of the funds going to rural parishes, but did he know how the Ecclesiastical Commissioners were applying the property intrusted to them at this moment? Did he not know that every grant made was given to the most populous and poorest parishes? The money did not go to rural parishes, but to the most populous and indigent places that could be found.

SIR GEORGE LEWIS said, the object of the clause was to extend to the Ecclesiastical Commissioners the power to deal with lands in the same way as tithes were already dealt with. There was some force in the argument drawn from the case of the Metropolis, but that would raise a number of ecclesiastical questions which it was impossible to deal with in such a measure as the present.

Mr. EDWIN JAMES maintained that the case of the Metropolis was exceptional. The parish of St. Pancras contributed no less a sum than £47,000 to the Funds of the Commissioners, and his hon. Friend the Member for the Tower Hamlets said this and other such sums ought to go to relieve the spiritual destitution of the Metropolis, which was greater than that of any other part of the kingdom. It was a scandal and a disgrace that the Ecclesiastical Commissioners should be receiving such large sums from the Metropolis, and that the Bishop of London should be compelled to preach to persons in a stable-yard because they had no church to go to. They ought not, in such circumstances, to confine themselves to the narrow limitation of the word "parish," but should consider the whole Metropolis as a single area, and apply the funds raised within that area to the relief of spiritual destitution there.

Mr. MOWBRAY thought that the objects in view would be sufficiently met by the clause as it stood.

MR. CAYLEY thought that the clause as it stood would not fully carry out the object for which it was framed. It would not empower the Commissioners to apply to local wants the funds they derived from particular districts. When the present Amendment was disposed of he would move the introduction of certain words to meet such cases.

LORD HARRY VANE said, he thought it was a most valuable principle that they should recognize local claims; but it appeared to him that the word "place" would not afford sufficient means for giving effect to that principle. That word, in common language, had no very clearly defined meaning: and in law, it was, he believed, limited to a parish. If it were construed in that sense the clause would be defective.

MR. JOHN LOCKE said, the point appeared to be, in what part of the United Kingdom souls were to be saved and spiritual destitution relieved. The question was where the greatest destitution existed; and of that there could be no doubt. There might be rich persons in Finsbury or Bayswater; but there were many parishes where there were no rich inhabitants at all; they had their places of business there, but they lived and built churches elsewhere. This was particularly true of the borough of Southwark. In many parishes the poor were actually rated for the support of the poor. And yet it was proposed to take the surplus ecclesiastical revenue of Finsbury, Pancras, and Paddington, and carry it off to some rural parish, while in the Metropolis it had been calculated that 50 per cent of the population had no religion at all. The funds derived from the wealthy parishes ought to be made available to meet these cases. He should support the Amendment with great pleasure.

MR. AYRTON called on the Secretary for the Home Department to state what was the meaning of the word "place" in the clause.

SIR GEORGE LEWIS said, he could not give an authoritative interpretation to the term. The word was used in the Act of 1840, and he was not aware that any objection had been taken to the interpretation usually put upon it. He did not consider that the word "place" was identical with "parish;" but that it had a more extensive signification.

MR. MOWBRAY thought that if some hon. Gentleman who represented the Ec-

clesiastical Commissioners in that House would confirm the view now given, and which had also been expressed elsewhere, the Committee would have no difficulty in accepting the clause.

MR. DEEDES said, the question was whether the Metropolis was to be considered as one "place," so that any large sums raised in the Metropolis might be appropriated to all the parishes included in it, instead of being expended elsewhere. That opened up a very wide question. If such a definition were conceded, why was it not to be extended to other places? If any such decision were arrived at, it would sap the foundations of any fund applicable to the common purposes of relieving destitution throughout the country at large. As a Commissioner, he desired to make the application of the fund to the Metropolis and other destitute places as extensive as possible; but he could not give his consent to the Metropolis being regarded as one place.

MR. AYRTON, on the ground that no definition of the word "place" had been given, moved that the Chairman report progress. The Home Secretary had told them what it did not mean; but the Committee had a right to know what it really did mean before they passed a clause to the right understanding of which the true definition was essential. The word, he believed, was introduced to deceive and mislead, and that it was not wished that anybody should understand the real meaning of the clause. He saw no use in proceeding with the consideration of a clause the true meaning of which was not understood by its promoters.

SIR GEORGE GREY observed, that the word was the same used in the Act of 1840, and to which no objection had ever been taken. It was a term purposely vague, in order that the Commissioners might be left in the settlement of particular cases to their own discretion and to the dictates of common sense. In other parts of the Act of 1840, the term "parish" was used—a proof that the two words were not considered synonymous. He thought the clause had better remain as it was.

MR. AYRTON said, that the language of spiritual destitution which satisfied the wants of any country parish would not satisfy the wants of a Metropolitan parish. One parish might have in it nothing but the Bank of England, and a dock might exactly occupy the whole of another parish.

It would be very hard if the population that created all this wealth received no advantage from the revenue. The income which the Ecclesiastical Commissioners would derive from the increase of rents and population in the Metropolis would be enormous, and he was anxious it should be applied to the spiritual destitution of the Metropolis, instead of the surplus going to increase the value of private patronage. The Government had too much governed the Metropolis with the truncheon of the policeman, and could not too soon adopt other measures for preventing and repressing crime.

SIR MORTON PETO assured the Committee that the whole of the northern portion of the Metropolis looked to the present discussion with the greatest anxiety. He trusted that the Government would show some sympathy with the wishes of the Metropolis, and would consent that the funds that arose within it should be devoted to its spiritual necessities.

MR. EDWIN JAMES said, he wished that the law officers of the Crown had been in their seats to explain the meaning of the word "place."

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again."

Put, and *negatived*.

Original Question put.

The Committee *divided*: Ayes 138; Noes 42: Majority 96.

Clause 21 (Provisions concerning Local Claims to apply to Lands and Tithes of an Ecclesiastical Corporation having a revenue exceeding its statutory income).

MR. MOWBRAY moved, in Line 28, to leave out all after "in" to "fixed," in Line 31, and insert "possession of estates which yield an annual income greater than the income which such corporation is entitled to retain for its own purposes."

SIR GEORGE LEWIS said, that the question had better be raised when any future clause respecting the property of the chapters came under consideration. At present the discussion would be premature.

MR. MOWBRAY said, the Amendment was intended to meet the case of the caputular estates of Durham, which would not be subject to local claims as the clause now stood, although the House was about to recognize all local claims.

Amendment *negatived*.

Clause *agreed to*.

House *resumed*.

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Committee report Progress; to sit again *To-morrow*, at Twelve of the clock.

House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, July 26, 1860.

MINUTES.] PUBLIC BILLS.—1^a Turnpike Acts Continuance; Maynooth College; Bank of Ireland (No. 2.); Weights and Measures (Ireland); Police and Towns Improvement (Scotland) Act Amendment; Stipendiary Magistrates; Local Government Act (1858) Amendment; Sheriff Court Houses (Scotland); County Coroners; Metropolitan Police Force (Dockyards). 2^a Highways (South Wales); Prisons (Scotland); Tenure and Improvement of Land (Ireland); Conjugal Rights (Scotland); Manchester Cathedral Church; Postage (Army and Navy); Party Emblems (Ireland); Medical Act (1858) Amendment; Highway Rates Act Continuance. 3^d Census (Ireland); Census (England); Tithe Commutation; Oxford University (No. 2.)

ADMIRALTY COURTS JURISDICTION BILL.

ORDER FOR COMMITTEE DISCHARGED.

THE LORD CHANCELLOR said, that on Friday last their Lordships made an Order that the House be put into a Committee on the Admiralty Court Jurisdiction Bill on Friday next. The Bill contained many valuable provisions for improving the jurisdiction of the Court of Admiralty; but it also contained money clauses which their Lordships could not touch without infringing on the privileges of the House of Commons. As the Bill certainly required Amendment in some particulars, he thought the better plan would be to withdraw it, and to present it in an unobjectionable form next year without interfering with the privileges of the House of Commons.

LORD BROUGHAM said, he regretted that the Bill would be withdrawn, as it was calculated to effect a very important and salutary Amendment of the law as regarded the Admiralty Courts. At the same time, he denied altogether that the House was not entitled to send down to the House of Commons Bills in whatever shape they pleased, even as to money clauses. He admitted that it would be highly unconstitutional for their Lordships to interfere with what were the understood privileges of the other House as confirmed by precedent; but it was open for

either House to pass Bills containing money clauses, leaving it to the other House to adopt or reject them.

After a few words from Lord CRANWORTH,

Order discharged.

BUSINESS OF THE HOUSE.

Resolved,

"That *To-morrow* the Bills which are entered for Consideration on the Minutes of the Day shall have the same Precedence which Bills have on Tuesdays and Thursdays."

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.—SECOND READING.

Order of the Day for the Second Reading read.

EARL GRANVILLE moved the second reading of this Bill, which he thought was calculated to afford facilities for the improvement of landed property in Ireland. Power was given, in cases where the improvement was of a permanent character, to charge the estate with annuities, terminable in twenty-five years, and there were, likewise, clauses providing for cases in which an improving tenant might give notice of his intention to expend money on the lands.

Moved, That the Bill be now read 2^a.

LORD MONTEAGLE thought that more harm than good would be done by precipitate legislation on this subject, and hoped, therefore, that the Government would postpone the next stage of the Bill for some little time.

EARL GRANVILLE said, that the Government were desirous that a Bill on this subject should pass this Session, but at the same time, they wished to give every opportunity for considering the clauses of the present measure, and he had no objection to postpone the Committee until next Thursday.

THE EARL OF DONOUGHMORE said, he had no desire to obstruct the progress of this measure, there was another Bill relating to this subject in the other House, which he hoped would come up to their Lordships' House in time to be taken into consideration with this Bill. He concurred in the general objects of this Bill, though he had some doubts as to the machinery. He could see no particular value in the provision which required leases to be submitted to the preliminary approval of the Chairmen of Quarter Sessions, and in some cases to the Landed Estates Court. There were also other points with regard to

which he should probably feel it necessary to move Amendments when the Bill was in Committee.

THE MARQUESS OF BATH objected to the third portion of the Bill, but would not oppose the second reading. He doubted very much whether this measure, if it passed, would settle the long-continued controversy of tenant right in Ireland, or put a stop to the agitation on the subject; and so far its effects might be said to be mischievous. Still he did not feel called upon to oppose it.

VISCOUNT DUNGANNON objected to the Bill that it prevented the Irish landlord from exercising that control over his property to which he was justly entitled. He did not see why the law in Ireland should be different to what it was in England. If the measure were passed it would inflict gross injustice; for if ever there was a proposal fraught with injustice it was this. Although he felt thus strongly upon the subject he would not trouble their Lordships to divide; but upon going into Committee he should give his support to the Amendments indicated by the noble Earl (the Earl of Donoughmore).

THE LORD CHANCELLOR was sorry to find that there was any difference of opinion amongst their Lordships upon the merits of the Bill, which had received the approval of both sides in the House of Commons, and passed that House almost unanimously. If the noble Viscount who had just spoken had taken the trouble of examining the Bill, he would have seen that it did not commit the injustice of which he complained; for nothing could be done under the Bill without the consent of the landlord, and if the landlord consented, then *volenti non fit injuria*.

THE EARL OF MALMESBURY thought that the period of notice to be given to the landlord, when improvements were sought to be made at his expense, was not sufficient.

THE EARL OF LUCAN said, that if this legislation were proper at all the Bill should not be confined to Ireland, but should be extended to the whole United Kingdom.

THE EARL OF MAYO said, he appealed to English landlords whether they would like to be interfered with by a measure of the sort. As an old landlord, he could take upon himself to say that as a rule tenants did not like leases. He would not move that the Bill be read that day three months, but he trusted that in Committee

it would undergo material alteration and improvement.

EARL GRANVILLE said, the simple answer to the question why the Bill was not made applicable to England as well as to Ireland was, that the circumstances of the two countries were entirely different. In England farmhouses and buildings were not erected at the sole expense of the tenant, and in Ireland almost every one agreed that an evil did exist, which did not exist in this country, and which this Bill might remedy. He trusted that the noble Earl would give some notice of the Amendments which he intended to propose. As to referring the Bill to a Select Committee, he did not think that that was at all desirable. Being one of those questions in reference to which popular feeling had been very much excited, it was much better that the discussion should take place in their Lordships' House. In regard to the Bill of a kindred nature which was now passing through the House of Commons, he agreed with the noble Earl in hoping that their Lordships would not adhere too strictly to their Resolution as to Bills coming up from the other House, but would make an exception in its favour.

Motion agreed to; Bill read 2^a accordingly; and committed to a Committee of the whole House on *Thursday* next.

CONJUGAL RIGHTS (SCOTLAND) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR explained the objects of the Bill to be, *inter alia*, to make the Scotch Courts more scrupulous in decreeing divorces, to guard against collusion, and to give married women increased rights in respect to dower and other matters. It also provided that no person should apply to a Scotch Court for a divorce, unless the parties were so domiciled in Scotland as to be under the Scotch law of succession, and that a divorce decreed by a Scotch Court should be operative throughout the United Kingdom. Hitherto, a divorce granted in Scotland was without force in England; and there was a case in which a man having obtained a divorce in Scotland and afterwards married again in England, was tried before an English jury, convicted of bigamy, and sentenced to transportation for life. This state of the law was most alarming to families of great wealth and of great antiquity; and it was

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most desirable that that state of things should not longer continue. At that time by the law of England marriages were indissoluble; they could only be dissolved by the Legislature. A person might at this moment be entitled to an English earldom and not entitled to his deceased father's Scotch title. The object of the Bill was to assimilate the law in the two countries.

LORD BROUGHAM supported the Bill, which was calculated to remove many of the anomalies which existed in the law of the two countries. At present a sentence regularly pronounced in Scotland dissolving a marriage had no effect whatever upon a marriage subsequently contracted in England. He perfectly remembered the case mentioned by his noble and learned Friend, where a person divorced from his English wife in Scotland, returning to England and there intermarrying with another woman, had been found guilty of felony, sentenced to transportation for life, and actually in part underwent the punishment, thus paying in his own person the penalty of the conflict of law between the two countries. Not only so, but the issue of the second marriage, if there had been any, would have been held to be illegitimate in England, although in Scotland they would have been as legitimate as any one of their Lordships. A man might be legitimate in Scotland but bastard in England—legitimate if he claimed in England personal property, illegitimate if he claimed landed property. All these anomalies were sought to be removed by the provisions of this Bill. He thought it a great improvement to have the interposition of the Lord Advocate for the purpose of preventing fraud and collusion.

LORD REDESDALE said, he thought it a most unfortunate thing there should be such a difference in the law of the two countries; but he did not think it a desirable change to introduce into the law, by which a person in England might go to Scotland and by domicile there obtain a divorce on very different terms from what obtained in England.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the whole House on *Monday* next.

FELONY AND MISDEMEANOUR BILL.

House in Committee (according to Order).

LORD WENSLEYDALE said, he entertained grave objections to the additional

speeches which it was proposed to allow to counsel. The occasions he thought must be of rare occurrence where the effect could be beneficial, while a great waste of time must necessarily ensue. He therefore begged to move the insertion of the words "if the said Judge shall think the Evidence requires to be commented on."

LORD BROUGHAM said, he by no means approved the proposed Amendment, but, remembering that the 12th of August was near at hand, that other things betokened the approach of the end of the Session, and that both in that House and elsewhere the formidable body of Chairmen of Quarter Sessions was largely represented, and that the insertion of such a clause would facilitate the passing of the Bill, he was disposed to waive his private opinion and to consent to the noble and learned Lord's proposal, in the belief that he was thereby improving the administration of criminal justice.

THE EARL OF ELLENBOROUGH said, he thought it was casting on the Judge a very invidious duty, and one which in most cases he would be slow in undertaking, to require him to decide whether a particular speech ought or ought not to be made.

THE LORD CHANCELLOR said, the Bill would operate unfairly in the case of a prisoner who was undefended by counsel, but who called witnesses in his own behalf. The prosecutor would thereby be entitled to a speech in reply, in addition to that made in opening the case, although no one had addressed the jury for the defence. In cases where there were more prisoners than one, only one having obtained the benefit of legal assistance, the injustice would be even more apparent.

LORD CHELMSFORD said, it very rarely happened that prisoners who were undefended by counsel produced witnesses in their own behalf. In nine cases out of ten no evidence whatever was given for the defence, and therefore there would be very few cases to which the objection would apply.

Amendments made : The Report thereof to be received To-morrow.

THE CONVICT ESTABLISHMENT AT BERMUDA.

THE EARL OF CARNARVON rose to call the attention of Her Majesty's Government to a recent statement in the Bermuda Convict Establishment Report, 1860,

page 15, by the chaplain, as to the condition of the convicts. In every other part of the British Empire the system of hulks had been abolished, but it was retained at Bermuda. All persons who had turned their attention to the subject said that, from want of space, and other causes it was perfectly impossible to exercise a supervision over the convicts, and to enforce discipline among them on board of hulks. By the last Returns, of 1,500 convicts in confinement at Bermuda, two-thirds were confined in hulks. The effect of this on the prisoners would be best described by quoting a passage from the Report of the Chaplain. The rev. gentleman said :—

"It is my painful conviction, after some years' experience of the matter, that the great majority of the prisoners confined in the hulks become incurably corrupted, and that they leave them, in most cases, more reckless and hardened in sin than they were upon reception."

He then went on to describe convict life between decks in this very strong language :—

"Few are aware of the extent of suffering to which a prisoner is exposed on board the hulks, or the horrible nature of the associations by which he is surrounded. There is no safety for life, no supervision over the bad, no protection to the good. The hulks are unfit for a tropical climate. They are productive of sins of such foul impurity and unnatural crime that one even shudders to mention them. In the close and stifling nights of summer the heat between decks is so oppressive as to make the stench intolerable, and to cause the miserable inmates frequently to strip off every vestige of clothing and gasp at the port-holes for a breath of air. A mob law, and tyranny of the strong over the weak, exists below, which makes the well-disposed live in constant misery and terror ; and when the passions of these lawless and desperate men are excited by quarrels among themselves the most deadly and murderous affrays are the consequence. The spectacle on board the *Medway* hulk upon the 1st of June last, when one prisoner was slain and twenty-four desperately wounded, would have appalled any humane heart. The hulk was a perfect shambles, and a frightful scene of uproar, excitement, and bloodshed. Suffice it to say, that a mere handful of warders was powerless to deal with the armed mob below decks. All that could be done was to fasten down the hatches, and when the work of butchery and carnage was over descend below to fetch up the dead and wounded."

It was not too much to say that if this statement were true the Bermuda hulks were practically a repetition of Norfolk Island and all its abominations. He was for punishing criminals as severely as their crimes merited, but the State was not justified in treating them in such a manner that when they went out into the world

again they were infinitely more depraved than before. It might be doubted whether the Chaplain's feelings had led him to over-colour this picture, but he was afraid that was not the case. The mere fact of the existence of the hulks was very much in favour of his statement, and its accuracy was confirmed too by the very significant words with which the medical officer concluded his Report:—

“Permit me, in conclusion, to state, there are many subjects connected with the well-being of the convict establishment, of which I could wish to make some observations, but decline doing so, as it would doubtless be considered unbecoming in me to extend my remarks to subjects not affecting my own department.”

He observed that last year there were not less than 1,200 prison offences committed, and that alone augured an unwholesome and unsatisfactory state of things. It was stated that the accommodation for the officers was so miserably bad that they were constantly resigning; that fourteen officers were crowded in a room thirty feet long by thirty feet wide; and that the changes by resignations prevented their becoming acquainted with the individual habits of the convicts under their charge. The Governor was absent when the Chaplain's Report was sent off, but his *locum tenens* accompanied the Report with the comment that he did not see any good reason why the conduct of the men at the hulks should be worse than in a prison on shore. If it were not worse it would be contrary to all experience. The Governor, after his return to the island, wrote a despatch, in which he said he had read the Chaplain's report with astonishment, and that he hoped he had been enormously imposed upon by the accounts of the prisoners. He feared that, if there had been any imposition, the Governor, and not the Chaplain, had been the subject of it. He trusted that Her Majesty's Government would order the most searching inquiry, and that, if the Chaplain's account proved correct, no consideration would deter them from dealing summarily with the matter, and, if necessary, abolishing the hulks.

EARL GRANVILLE said, the Governor of the island had expressed a doubt about the accuracy of the statements contained in that Report, while at the same time he paid a high tribute to the merits of the Chaplain. Steps had been taken for the purpose of obtaining further information upon the subject, but no answer had as yet been received to the inquiries which were made.

The Earl of Carnarvon

VOLUNTEER CORPS.—ADJUTANTS AND SERJEANTS.—QUESTION.

EARL FORTESCUE said, he was sure he need make no preliminary statement to ensure their Lordships' favourable consideration to anything that concerned the great Volunteer defensive force which the free spirit of the country had within the last twelve months raised throughout the length and breadth of the land, and that as little was necessary to obtain the consideration of his noble Friend the Under Secretary of State for War (Earl de Grey and Ripon), upon whom devolved the official labour of regulating and organizing that force, and who had won golden opinions by his courtesy, ability, and zeal. The Government had directed the formation of the Volunteers into battalions, and with the view of establishing an uniform system of drill, had appointed adjutants with pay and allowances of 10s. per day. Now this he believed to be a very fair remuneration for the adjutants of town corps; but in the rural districts, where the corps were separated by long intervals, and the adjutant had to travel over considerable distances, the use of a horse, and a very good horse too, was absolutely necessary. He trusted therefore that the Government would consent to increase the pay of those officers in the rural districts. He believed also that the appointment of a permanent sergeant to each company would add greatly to the efficiency of the force. These sergeants might be employed as armourers, to take care of the weapons of the Volunteers. The only objection that could be made to granting this boon would be the expense which it involved; but he was informed by one on whose calculations he could rely that the whole increased pay to adjutants and of a permanent sergeant to each company would come to little more than £1 per head annually for the whole force of Volunteers, or a total sum annually of £120,000 to £130,000. The advantages, however, which would be gained would, he was persuaded, afford an ample compensation for such an outlay: which would, in addition, secure the better observance of the regulations for preserving the arms. He begged, therefore, to ask a question of the Under Secretary for War respecting the Pay and Allowances to Adjutants of Administrative Battalions of Rifle Volunteers in rural Districts: also respecting the Grant of a permanent Sergeant to be paid by the Government for each Company of Volunteers?

EARL DE GREY AND RIPON assured their Lordships that Her Majesty's Government took the most anxious interest in the volunteer movement, and were deeply grateful to those whose patriotism and public spirit had led them to come forward, in numbers already amounting to upwards of 130,000, for the purpose of forming an auxiliary force for the defence of the country, which, he had no doubt, would be found, if put to the trial, of the highest value. He must also express his personal thanks to the noble Earl for the handsome, although undeserved manner, in which he had spoken of his services. It was, no doubt, perfectly true that the adjutants of battalions in rural districts, where companies were scattered at considerable distances from each other, incurred much heavier travelling expenses than the adjutants of town battalions, which lay closer together. His right hon. Friend the Secretary for War had already had his attention drawn to the subject, and the propriety of giving increased allowances to adjutants in rural districts was now under consideration. The proposal seemed to him to be a fair one, and he believed it would meet with the favourable consideration of the authorities. He was afraid he could not give an equally satisfactory answer to the second question of the noble Earl. The appointment of a permanent sergeant to each battalion would, as the noble Earl himself admitted, entail an annual expenditure of £130,000. This was not a small item; and, looking to the large amount of our military expenses at the present time, he was afraid he could not hold out any hope that the Government were likely to accede to that request, at least to the large extent proposed by the noble Earl. It must be borne in mind that the adjutants, who were to superintend the drill of the corps, had only recently been appointed; and it would therefore be premature to appoint permanent drill sergeants till they had had an opportunity of seeing how the adjutant system was working, and the results which it produced. If they were to appoint discharged soldiers as sergeants to the Volunteer corps, they had no power to retain them under martial law, and a man might be a very good soldier when under the strict discipline of the army who might turn out very differently when the only restraint upon him was the occasional supervision of the adjutant. There was, however, one class of Volunteers in whose favour an exception

might very fairly be made. Their Lordships were aware that the Artillery Corps were provided with instructors; and his right hon. Friend the Secretary for War also proposed to allow a drill sergeant to each company of mounted Volunteers, who, on account of their limited numbers, were not entitled to an adjutant. The noble Earl gave as a reason for the appointment of permanent sergeants that the regulations as to the custody of the arms would then be better observed. It should be remembered that one of the preliminary conditions upon which the services of the Volunteers were accepted by the Crown was, that each regiment should have a storehouse and keeper of arms for the arms supplied to them. If it were brought to the knowledge of the Government that the regulation of the War Office on that point had not been followed, steps would, of course, be taken to enforce so necessary a provision; and, as they now had inspectors who would visit the corps from time to time, and adjutants who would be constantly looking after them, any irregularity would be quickly detected. He had no doubt, however, that the good feeling of the Volunteers would induce them to adhere to a regulation which they themselves had undertaken to obey when their services were accepted by Her Majesty. In conclusion, he need hardly say that while the Government were desirous of giving every reasonable support to the movement, it was necessary that the force should retain its Volunteer character, and one of the first conditions of its existence was that it should entail no heavy charge upon the public Exchequer.

LORD VIVIAN thought the Government were bound to take care that the Volunteer force did not fall off from the want of that pecuniary assistance which in certain cases he believed was indispensable. Whatever might be the good will of the men, a large portion of the force would be lost if the Government refused aid in circumstances where it was required. There were nowhere, for instance, men more loyal, or more willing to give their personal services to their country, than in his own county—Cornwall; but they were not of a class that could afford to provide themselves with clothing, ammunition, targets, drill-sergeants, and so on. The Government and the country were now alive to the reality and excellence of the movement; and he held that the time had arrived when they ought to do something

more for the Volunteers than heretofore. He recommended that the force should be divided into two classes. The Volunteers in the large towns were fully able to pay their own expenses without any assistance from the Government, and should constitute one class, who should not be tied down to any particular period of service, and who should provide themselves with all that they required, except arms. The second class should consist of Volunteers in the rural districts, who should be bound to serve for a couple of years or so, and should be provided by the Government with drill-sergeants, arms, ammunition, targets, and clothing. In his own county—Cornwall, the Volunteer Force, amounting to about 2,000 or 3,000 men, was entirely maintained by private subscriptions; but he thought that if there were a classification, such as he had suggested, the second class to receive Government assistance, the number would be greatly increased, and the force itself rendered more permanent. He hoped before long the recommendations of his noble Friend would be acted on.

THE EARL OF ELLENBOROUGH concurred much in the apprehension of the noble Baron that they would not be able to maintain by voluntary subscriptions from year to year the whole of the Volunteer Force we now possessed, still less the larger force which it was most desirable should be maintained. Every one who had read the Report on the subject of the National Defences must see the absolute necessity of keeping up this force, inasmuch as, to a very considerable extent, the country must rely on them for the service of the fortifications hereafter to be erected. But he had a little difficulty in going to the Government directly on this subject, and what occurred to him was this—it might be desirable that an Act should pass enabling magistrates at Quarter Sessions to levy a small rate for the purpose of meeting the contingent expenses of adjutants and various other items, which it was almost contrary to reason to expect pecuniary means could be found to satisfy by annual subscriptions. Of course, any Bill to that effect would most strictly limit the purposes to which the rate should be applied, and he believed one halfpenny in the pound would be perfectly sufficient. If that were done, he believed they would be able, not only to give permanence to the force, but extend it.

VISCOUNT HARDINGE said, that the companies were so widely scattered, and

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the adjutants had to travel so far, that it would be only fair to give them some assistance in the shape of additional allowance. He thought that the efficiency of the individual companies would very much depend on their having a good sergeant of the Line permanently for drill. In times of excitement people were ready with their subscriptions, but when excitement abated these contributions fell off; he therefore thought it was well worth the consideration of the Government whether it would not be advisable that there should be a permanent sergeant allowed for every company.

VISCOUNT MELVILLE said, that the sergeants of the Line were not more than sufficient for the services of the Line regiments, and indeed a commanding officer had complained to him of the great inconvenience his regiment was subjected to in consequence of the withdrawal of the drill sergeants for the services of the Volunteer corps. The system was most injurious to the discipline of the army, and he hoped the suggestion of the noble Earl would be adopted. But he thought it would be still better that the Government should encourage the formation of these companies into militia regiments.

VISCOUNT HARDINGE explained that, in speaking of sergeants of the Line, he had referred to discharged soldiers of good character after ten years' service, and pensioners. He did not mean that the sergeants should be taken away from the Line.

EARL GRANVILLE had great hopes that the noble spirit which had been exhibited in the Volunteer movement during the last year would not flag; and, if that spirit continued, he did not believe the subscriptions in money would fail. It would, however, take away the whole character of the force if they came to Parliament, year by year, for a large sum to maintain it. On the other hand, he could hardly conceive any proposal more likely to unpopularize the movement than raising a rate for its support; and he therefore thought the most prudent course would be for the Government to confine themselves to the arrangement which had been shadowed out by his noble Friend (Earl de Grey and Ripon).

STORES FOR INDIA.—QUESTION.

THE EARL OF ELLENBOROUGH, in rising to ask by whose Direction and under

whose Inspection certain Articles of the Value of between £30,000 and £40,000 of a perishable nature and inferior quality, equal to Fifteen Years' Supply, were sent out to India for the use of the Royal Artillery at Bombay, as mentioned in a letter from the Governor of Bombay, dated 12th of March, 1860, referred to in Mr. Willoughby's Dissent, p. 11, Lords Parliamentary Paper (242), said, that it had, of course, been his duty to read all the various papers which had recently been laid before that and the other House of Parliament on the subject of the very important measure proposed by the Government for extinguishing the local army of India. A few days ago he read, among the last printed papers, the dissent of a great many of the Members of the Council of India against the measure suspending recruiting for the local European army. At the head of it appeared the name of Mr. Willoughby, a gentleman of very great ability, formerly for many years Secretary to the Government of Bombay, and afterwards a Member of the Council of that Presidency. Among other observations that gentleman considered that "under no other system (than the present) can the military expenditure on account of India in this country be effectually checked and controlled, or the tendency sometimes manifested to cast undue charges on the Government of India be resisted." He mentioned that there were many instances in which this had been done, but confined himself to four. He (the Earl of Ellenborough) would confine himself to one. Mr. Willoughby said,—

"We have recently received a remonstrance from the Bombay Government against costly stores being sent out without requisition by the War Department. It appears that perishable articles, chiefly harness of the value of between £30,000 and £40,000, were sent out for the use of the Royal Artillery, equal to fifteen years' supply, for which there was no immediate need. The Inspector General of Magazines and Horses observed,—'He had ascertained that this harness cost three lacs of rupees, exclusive of freight and storage and other incidental expenses, and is in quantity sufficient for fifteen years' supply of the Royal Artillery. The whole of the pommels are more or less moth-eaten, and, unless put into wear, will rapidly deteriorate and become unserviceable. Most of the harness has a soiled appearance, and has every indication of having been made up some years.'"

Now, he understood this was by no means a solitary instance of stores being sent out to India without any requisition from the Indian authorities. He was told—he knew not but he might state it as an absolute

fact—that the stores sent out without a requisition amounted to considerably more than £1,000,000 in value. He had no recollection of any such system being acted upon during the various periods when he was connected with the Government of India. He believed that on all occasions the practice was to send out stores only on the requisition of the Indian authorities. However, to confirm his own impressions on the subject he had made inquiry, and he found from the very best authority—a gentleman who had been a great many years in the Store Department—that the fact was as he had represented, except only in the case of personal appointments and equipments. Whatever faults the Board of Directors of the East India Company had, and no doubt they had their faults, he must admit that they were most faithful guardians of the public purse of India; they took very good care that no portion of the revenue of India should be misappropriated—that it should all be applied to the purposes of India, and to no other purpose. He did not believe if the Court of Directors had not been superseded by the Secretary of State for India and his Council that the transaction to which he had referred could have happened. The noble Duke at the head of the Admiralty (the Duke of Somerset), knew that the Board must be in constant communication with the Ordnance Department, which supplied guns, ammunition, and other stores to Portsmouth, Plymouth, &c., but the Lords of the Admiralty would be in a state of very great excitement and surprise if they found the Ordnance Department sending stores to those ports without orders from the Admiralty. Their Lordships would recollect that two years ago an Act was passed transferring the government of India from the East India Company to the Crown, but that Parliament had, in assenting to the measure, taken special care to keep distinct the treasuries of both countries. It was, indeed, alike contrary to the intention of Parliament and to justice that the revenues of India should be applied to the relief of those of England. But it was evident they were so applied, when stores, which were worthless, which were not asked for or required, and which consisted for the most part of articles made of leather, which was in a special degree of a perishable nature, were palmed off on the Government of India, and charged to their account. He therefore begged to ask by whose direction and under whose in-

spection certain articles of the value of between £30,000 and £40,000 of a perishable nature and inferior quality, equal to fifteen years' supply, were sent out to India for the use of the Royal Artillery at Bombay, as mentioned in a letter from the Governor of Bombay, dated the 12th of March, 1860, referred to in Mr. Willoughby's dissent, page 11, Lords' Parliamentary Paper (242)?

EARL DE GREY AND RIPON said, he desired to express his entire concurrence in the general principle laid down by the noble Earl, that it was undesirable that stores of any description should be sent out to India except upon the requisition of the authorities in that country. He could not, however, assent to the statement that stores could not, under the rule of the East India Company, be sent out to India without a requisition, and that the practice was one which had sprung into existence since the administration of Indian affairs had been confided to the hands of a Secretary of State; for, so far as he could trace the circumstances to which the question of the noble Earl related, they had taken place when the Court of Directors was yet in existence, and at a date prior to that at which the change of Government was effected. When his attention was first drawn to the dissent of Mr. Willoughby he was at a loss to understand to what particular issue of stores the passage on which the noble Earl's question was based referred; but when he saw that the report had been made by the Inspector of stores at Bombay—a responsible officer, who had ample opportunity of obtaining information on the subject—and when he found the charge contained in that report adopted by Mr. Willoughby, a Member of the Indian Council, who, he was bound to suppose, from his official position, had taken the necessary pains to test its accuracy, although he had made no inquiries at the War Department—he had deemed it to be his duty to institute the closest search at the War Office into the matter. Having done so he found that the charge could only relate to the issue of harness to batteries six and seven of Artillery, which were despatched to India in 1857 during the period of the mutiny and were originally intended to serve as garrison artillery, and were not, therefore, provided with saddlery. In the course of that year it was found necessary to send out to them saddlery and harness for field

equipments; and immediately afterwards a duplicate set of harness was despatched for those and other batteries in India, in consequence of representations made by officers of Artillery; but he was bound to admit that in the particular case of this duplicate set—and it should be borne in mind the transaction had taken place before the present Government came into office—he had not been able to discover that any requisition for it had been received from the Indian Government. An irregularity, therefore, might have been in that instance committed; but inasmuch as the mutiny was raging at the time it could hardly be regarded as so great an irregularity as if it were to occur at the present day. These stores were despatched at the time when Lord Panmure was Secretary for War, who, he believed, was in constant communication with the Chairman of the East India Company, and it was possible, and probable, that if these issues were not officially recommended, they were made at the instance of the Court of Directors, and for the purposes of the war. The noble Earl was then understood to say that subsequently, in July, 1858, a requisition for harness for batteries K and Y had been made; that the requisition was referred to the India Office, and that a memorandum had been sent back in reply to the effect that the Council of India were unable to give any opinion on the subject, and that it was desirable the War Department and the Military authorities should send out such stores as they thought fit, which had accordingly been very properly issued on the responsibility of the Secretary for War. That was the entire extent to which, so far as he was aware, harness had been despatched to those batteries, and he was therefore unable to understand what the inspector of stores at Bombay meant by stating that a quantity sufficient to supply the Royal Artillery for fifteen years had been sent out; for, suppose the first issue lasted four years—which was a reasonable time—and the duplicate issue four years more, the whole amount would fall very far short of a fifteen years' supply. It was, moreover, absurd to enter into such calculations in the case of an army in the field, whose stores might be destroyed in the course of a single action. With respect to the serious allegation contained in the report of the inspector of stores as to the condition of the harness, the only answer he could give to it at the present moment—inasmuch as the matter had only

just been brought under his notice—was that he had the assurance of the store-keeper at Woolwich that the harness in question was of the best description, and that that which had been sent out without any requisition was perfectly new.

THE EARL OF ELLENBOROUGH asked the noble Earl if he would have any objection to grant the particular papers on which the statement of Mr. Willoughby was founded. He understood the noble Earl to say that it was founded on two letters of the Government of Bombay, one dated the 25th February last, and the other the 12th March last, which, with their enclosures, containing of course the report of the Inspector of magazines and stores, were sent by the Secretary for India to the Secretary for War on the 12th of May; and therefore it was to him a matter of very great surprise that it should have only now, for the first time, come to the knowledge of the War Department. There might be some mistake, but, as he (the Earl of Ellenborough) was informed, those letters were sent on the 12th of May to the War Department, although that was two months and a half ago, and he had heard it stated—and, indeed, it seemed probable under the circumstances—that no reply had been sent to those letters. He, therefore, supposed that they had been mislaid. He wished to know whether the noble Earl had any objection to his moving for the letters and their enclosures.

EARL DE GREY AND RIPON said, that the letters were addressed to the India Board, and of course he was unable to answer for that Department; but if the noble Earl would repeat his question to-morrow (Friday) he would be able to say whether there was any objection to the production of the letters. The whole subject of the arrangements with regard to stores, between the India Office and the War Department had been under the consideration of the Government, and recently, a Committee, consisting of officers of the two Departments, had been sitting upon the matter, and had drawn up a Report, making certain recommendations, which he trusted would prevent the possibility of any error arising again, such as the noble Earl had alluded to.

THE EARL OF ELLENBOROUGH said, he would move for the papers on Tuesday next.

House adjourned at Half-past Eight
o'clock, till To-morrow, Half-
past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 26, 1860.

MINUTES.] PUBLIC BILLS.—1^o Sale of Gas Act Amendment.

2^o East India Stock Transfer, &c.; Senior Member of Council (India); Superannuation Act (1859) Amendment; Admiralty Jurisdiction (India).

3^o Militia; Poor Law Board Continuance; Local Government Supplemental (No. 2).

ECCLESIASTICAL COMMISSION, &c., BILL
COMMITTEE.

Order for Committee read.

House in Committee.

Clause 22 (Preference may be given to Places where Contribution is made in aid of Grant).

MR. AYRTON expressed a hope that this clause would be struck out, as he saw no necessity for it. It recognized a principle, the practical effect of which was, that if a person was rich and gave money, he then could have a contribution out of this public fund.

SIR GEORGE LEWIS said, the clause was simply permissive in its character, and he could not see that any harm would arise from it.

Clause agreed to.

Clauses 23 to 28 agreed to.

Clause 29 (In estimating Value of 21 Years' Leases, an Extension to 1st August 1884 to be allowed).

MR. FREELAND proposed in the first part of this clause to substitute the eleventh day of October for the first day of August, 1884, which was agreed to. He then proposed to omit at the end of the clause the words which provided that no lease for such term of twenty-one years should be extended beyond the first day of August, 1884, which was agreed to. He then proposed to add to the clause the following words:—

“And a like extension, at the accustomed rate of fine, shall, for the purposes of sale, purchase, or exchange, be allowed in the case of any lease for lives, the extent and value of which shall be computed by arbitrators in default of an agreement between the parties to be less than the extent and value of a term ending on the said eleventh day of October one thousand eight hundred and eighty-four.”

which were also agreed to.

Clause 30 omitted.

Clause 31 (Upon Treaty for Sale, &c., either Party may require reference to Arbitration).

MR. INGHAM moved a proviso empowering a lessee to enforce a sale of the reversion on the Commissioners, the value to be determined by arbitration.

MR. AYRTON said, that was a clause for confiscating the whole property of the church to the lessees—and he could not understand what the right hon. Gentleman was about when he gave his assent to it.

Proviso agreed to.

Clause added to the Bill.

Clause 32 (Rules to be observed in Valuation as to Rate of Interest, &c.)

MR. FREELAND proposed after “determined,” to insert—

“And where such lease shall relate to houses or building ground, it shall be lawful for the arbitrator or arbitrators or umpire, as the case may be, simply to find the gross sum to be paid for such sale or enfranchisement in such manner as he or they shall deem just: provided also, that in all cases regard shall be had to the long-continued practice of renewal, and that the arbitrators shall have power to decide whether ground is or is not to be valued as building ground.”

He said that, although arbitration did not give or profess to give what was infallibly right, it was a thoroughly English mode of getting rid of differences as to value between man and man. It gave in the long run a fair average of substantial justice. A similar clause for ascertaining by arbitration the value of Church house property had been recommended by a most able Committee of the House of Commons in 1856, and had been introduced in 1857 into the Bill which bore on the back of it the name of the noble Lord the Member for Tiverton. Between the mode of valuing Church house property adopted by Mr. Smith, the Surveyor to the Commissioners, and that contended for by the lessees, there was a difference, in point of value, of £800,000 on the whole. He hoped, therefore, that the Committee would admit the justice in such cases of a reference to arbitration.

SIR GEORGE LEWIS said, there were two principles involved in what was now proposed. He was willing to assent to the principle of arbitration being applied to land, but the Ecclesiastical Commissioners thought if it were applied to house property it would have a deleterious effect.

MR. DEEDES supported the view taken by the right hon. Gentleman (Sir George Lewis), and hoped the Committee would not agree to retain the word “houses” in the Amendment.

MR. BONHAM-CARTER said, that he thought the word “houses” in the Amendment ought not to be allowed to jeopardise

the proposal with regard to building ground. He suggested that a special clause might be introduced to meet the case of house property.

MR. MOWBRAY said, that there was a second Amendment to be proposed, which had reference to building ground only, and he would suggest, as the most convenient course to take, that his hon. Friend (Mr. Freeland) should withdraw his Proposition, and then move the insertion of the word “houses” in the next Amendment.

MR. FREELAND assented, and withdrew his Amendment.

MR. BONHAM-CARTER said, he would move the following addition at the end of the clause—

“And where such lease shall relate to building ground, it shall be lawful for the arbitrator or arbitrators or umpire, as the case may be, simply to find the gross sum to be paid for such sale or enfranchisement in such manner as he or they may deem just: provided also, that regard shall be had to any consideration given to the lessee by this Act on account of the long-continued practice of renewal.”

MR. FREELAND moved that the word “houses” be inserted after the words “building ground.”

SIR GEORGE LEWIS said, he had already made a concession with regard to building ground; but should it be the wish of the Committee to include house property he was willing to abide by that decision.

MR. DEEDES was afraid that the effect of this Amendment, if carried, would be to cause great loss of property to the Church, and he hoped the Committee would not sanction it, unless the principle of valuation was distinctly understood.

SIR GEORGE LEWIS said, he thought it would be safer for the present to abstain from legislation on the subject of house property, and confine the Amendment to the case of building ground. He was ready to abide by the decision of the Committee if they chose to include house property, but his impression was in favour of omitting it.

SIR JAMES GRAHAM said, this was a most important question, as affecting the interests of the Church. It involved a sum of probably not less than £800,000. He had heard it stated that the subject was one which ought to be referred to a Select Committee, but he could not think there would be any advantage in taking that course. On the other hand, he did not wish, as an Ecclesiastical Commissioner, to show any reluctance to refer these questions to arbitration. At the

same time, he felt strongly that the decision of the question would mainly turn on the choice of an umpire. The arbitrators, on a matter beset with so many difficulties, might disagree, and the appointment of an umpire was therefore a question of very great importance. He thought that if the subject were postponed till the Report was brought up it might be possible in the interval to frame a clause that would meet all the difficulties of the case. He deprecated a hasty decision on a question involving an immense amount of Church property; and he felt strongly that the Committee had not before them at that moment the materials for legislation.

SIR GEORGE LEWIS said, he had not formed any strong opinion on the matter, but he took it in this way, that the Commissioners, who devoted great attention to the subject, had acted upon a certain principle, which they believed to be important for preserving the value of the property committed to their care. That was the report they made to the Executive Government, and, therefore, he did not feel justified in giving up that principle. He should be glad if the question could be arbitrated on fair principles, and by persons acting under a feeling of official responsibility, but he should not like to see it committed to the chance decision of professional surveyors. He was not desirous of making what might be considered a hard bargain on the part of the Church, as against the lessees, and he would be happy if this matter could be arbitrated upon a fair principle by a person acting under a sense of responsibility, but his right hon. Friend had not suggested any means by which that end might be attained.

SIR JAMES GRAHAM said, each party might appoint an arbitrator, and, in case of their disagreeing, an umpire should be appointed. The only question was by whom. At the present moment, he should be sorry to impose the task upon the Chancellor of the Duchy of Lancaster; but there was the Vice-Chancellor of the Duchy, who was a lawyer of distinction, and holding his office permanently;—he would be a most proper person to decide a matter of this nature.

MR. NEWDEGATE and MR. MOWBRAY approved of the suggestion of the right hon. Baronet.

MR. HENLEY said, the importance of this question could hardly be overrated, and he hoped it would be dealt with on the bringing up of the Report.

SIR GEORGE LEWIS said, if it was thought that the Home Secretary might not exercise an impartial judgment in the matter, he would suggest the Lord Chancellor, who would be above all such suspicion. In the meantime the clause, as proposed to be amended, might be passed, and he would be prepared on the Report to make some proposition on this subject, which he hoped would be acceptable to the House.

MR. FREELAND said, that if the Home Secretary would undertake to bring up a clause on the Report incorporating his proposal as to house property with the suggestion of the right hon. Baronet (Sir James Graham) as regarded the appointment of an umpire, he (Mr. Freeland) would not now press his Amendment.

SIR GEORGE LEWIS, in order that there might be no mistake, would repeat what he meant to do. He would now accede to the Amendment proposed by the hon. Member for Winchester, and would bring up on the Report a clause declaring the system of arbitration to be followed in the case of house property, and providing for the appointment of an umpire.

Amendment, as proposed by Mr. BOWHAM CARTER, was then *agreed to*.

Clause, as amended, *agreed to*.

Clauses 33 to 43 *agreed to*.

Clauses 44, 45, and 46, *struck out*.

Remaining Clauses *agreed to*.

MR. FREELAND then proposed to insert the following clauses:—

“The Ecclesiastical Commissioners shall not, except under special circumstances, assign as a permanent endowment to any Ecclesiastical Corporation, sole or aggregate, lands or hereditaments lying within the boundaries of any Parliamtary Borough, or within two miles of the cathedral church of any cathedral town, and not being lands or hereditaments used or to be used as a residence, or as residences of any Ecclesiastical Corporation, sole or aggregate, or as a school, cathedral, or church, or lands and hereditaments adjoining to and intended to be occupied with such residence or residences, school, cathedral, or church respectively.”

“In any case in which it shall be found impossible or inexpedient to give effect to the provision lastly hereinbefore contained, the said Ecclesiastical Commissioners shall lay upon the Table of both Houses of Parliament, if Parliament be then sitting, or, if not, then within one month after the then next sitting of Parliament, a statement of the contents and position of the estate proposed to be assigned, and of the grounds on which it has been found impossible or inexpedient to give effect to the provision lastly hereinbefore contained; and if at the end of forty days after the presentation of such statement no Address praying the Crown to withhold its consent from any such arrangement

shall be presented by either House of Parliament, the said Commissioners from and after the expiration of such period shall take the necessary steps for carrying the proposed arrangement into effect."

He said he was most anxious that these Amendments should be introduced into the Bill. He thought that if lands were retransferred as permanent endowments to Ecclesiastical Corporations within or in the immediate neighbourhood of Parliamentary boroughs or cathedral towns great political jealousy would arise, in consequence of the change of tenure now about to be introduced with reference to church property. According to the old system the lessee, so long as he paid the renewal fines and quit-rents, was virtually the owner of the property. At all events, he was politically independent. But, according to the proposed new system, the lessee of church lands was to hold them at rack-rent for a term, or as tenant from year to year. They might thus become a source of great political influence, especially if (as without doubt they would be, if situate within or near a borough) they were what are called accommodation lands. The retransfer, too, of lands near towns as permanent estates was inexpedient, as it would tend to stop building operations; for, although the lands would be subject to powers for enfranchising or granting building leases, yet, as the Ecclesiastical Corporations under the proposed new system would have no interest in exercising these powers, they would probably be but seldom exercised.

SIR GEORGE LEWIS said, if they were making a law for Chichester the proposed clauses might be very proper, but as they were making laws for the whole country other places must be considered as well. The radius of two miles would, for instance, be wholly inapplicable as regarded London. He did not think it expedient that the Commissioners should be deprived of the discretionary power which they at present possessed.

MR. HENLEY said, he was very glad that the Government would not assent to the clauses. The matter ought to be left to the discretion of the Ecclesiastical Commissioners.

MR. NEWDEGATE said, he thought the hon. Gentleman had hardly considered the importance of this Amendment. He hoped the Home Secretary would continue his resistance to the clauses.

MR. WHALLEY said, that although disposed to support the clauses of the hon. Member for Chichester, he thought it right

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to state that, representing a city in which the Ecclesiastical Commissioners had great estates within the borough, their management of those estates was as remarkable for doing the best that could be done for the property as for their abstaining from all political interference. The Commissioners were quite entitled to this testimony. Peterborough and its neighbourhood had derived the greatest benefit from the operation of this Commission, and the freedom given to ecclesiastical property, as was manifest by the constant extension of buildings and improvements of all kinds, in consequence of the operation of this Commission, and he felt it right to bear his testimony as well to their management as to the conduct of the Commission, in reference to political and local matters. He believed that he could bear similar testimony for other places besides Peterborough.

MR. FREELAND said, that the case of London referred to by the Home Secretary would fall within the exception on the ground of special circumstances referred to in the first of his clauses. As, however, there appeared to be no chance of carrying these clauses on the present occasion he would not now press them to a division.

Clauses withdrawn.

MR. FREELAND then proposed the following clause for the compulsory enfranchisement of intermixed lands:—

"In any case in which lands leased by any Ecclesiastical Corporation lie intermixed with lands possessed by any lessee or trustee as freehold or copyhold of inheritance, the said Corporation, with the approval in writing of the said Church Estates Commissioners, or the Ecclesiastical Commissioners, if the said lands shall have become vested in them, shall, within three months after the receipt of a notice in writing from the said lessee or trustee stating that he is desirous of purchasing the lands so leased, offer for sale to such lessee or trustee the reversion of such lands; and if the parties shall not be able to come to an agreement as to the value of such reversion, then either party may require the other party to join in referring to arbitration the finding of the value of such reversion on the principles and in manner herein mentioned; and when such value shall have been so found it shall be binding on both parties, if either party require it, to complete the proposed arrangement on the terms settled by the arbitrators, or their umpire, as the case may be."

After a few words of opposition from Sir GEORGE LEWIS,

Clause withdrawn.

MR. FREELAND then proposed the following Clause:—

"Wherever the estate and interest under any such lease or grant may be vested in any trustee

or trustees, either expressly or by implication of Law, and any monies, stocks, funds, or securities for money are vested in the same trustees or trustee, upon the same or like trusts, it shall be lawful for such trustees or trustee, with the consent of the person or persons entitled for the time being to the beneficial receipt of the dividends or annual proceeds of such monies, stocks, funds, or securities, if such person or persons shall be capable of giving consent, or if there shall be no person capable of giving consent, or if such consent shall be withheld and the trustee or trustees shall consider such a course essential to the interest of the parties entitled under the settlement, then with the sanction and approbation of the Court of Chancery, to be obtained on petition to the said Court, to raise out of such monies, or by sale of such stocks, funds, or securities, a sufficient sum for the purpose of purchasing the reversion of, or otherwise enfranchising, the property comprised in such lease or grant, and of procuring, if necessary for the purpose of enfranchisement, the renewal of such lease or grant, and to pay and apply the same accordingly, and all payments and applications of monies, or of the proceeds of the sale of such stocks, funds, or securities so made as aforesaid, shall be valid and binding on all persons interested under the trust, will, or settlement under or by which such monies, stocks, funds, or securities for money, may be held in trust or settled as aforesaid."

Clause agreed to.

MR. FREELAND then proposed the following Clause:—

"In any case in which the estate and interest under any lease or grant made by any Ecclesiastical Corporation may be vested in any trustee or trustees, and such trustee or trustees shall not have power to sell, it shall be lawful for such trustee or trustees, with the consent in writing of the person or persons entitled for the time being to the beneficial receipt of the rent or annual proceeds thereof, if such person or persons shall be capable of giving consent, or if there shall be no person capable of giving consent, or if such consent shall be withheld and the trustee or trustees shall consider a sale essential to the interest of parties entitled under the settlement, then with the sanction and approbation of the Court of Chancery, to be obtained on petition to the said Court, to sell and dispose of all or any part of such property; and in every such case the purchase money shall be paid to such trustee or trustees, whose receipt shall be a good discharge for the same; and the money so paid to such trustee or trustees shall be invested and be held by him or them upon the same trusts, as far as the circumstances of the case will admit, as the leasehold property, if not sold, would have been subject to."

Clause agreed to.

SIR GEORGE LEWIS said, if it could be shown that any great evil arose from the present system of church leases it might be desirable to submit to an infraction of the laws of property which were usually recognized in this country, and allow a system of compulsory enfranchisement. He did not believe, however, that any such case had been made out. Even

if there had been he did not think they ought to adopt an unilateral system. If they gave a power to the lessee to compel the Church they ought to give a corresponding power to the Church to compel the lessee; and in many instances there might be extreme hardship in compelling the lessee to adopt the course which the clause pointed out. He could not assent to the introduction of the clause.

Clause negatived.

MR. HOWARD said, he would move a clause providing for the augmentation of benefices up to £100 per annum. In moving this clause he wished to call the attention of the Committee to the condition of the poorer clergy, and he would especially refer them to the case of Carlisle and its neighbourhood. The Bishop of the diocese was provided with a beautiful palace, though rather too far from Carlisle for his clergy to get at him, and the Dean and Chapter had a large income. He believed that when certain leases fell in the income of the latter would amount to not less than £21,000 a year; and, as much of this income would be derived from lands in the neighbourhood, he hoped the small livings in Carlisle would, in due time, receive an augmentation. There were four parishes in Carlisle; the population was 70,000; and the highest stipend received by any of the clergymen was £150 a year, while another received only £85 a year. Matters were still worse in the country parts of the diocese. There were 259 livings in the diocese; 108 of which were less than £100 a year; 69 less than £80 a year, and many of the incumbents received less than £50 a year. In such circumstances the Committee would see that it was impossible to provide adequately for the spiritual instruction of the people. In old times, when the incumbents were able to live frugally in the retired parishes among the hills, the evil was not so bad; but the expense of living was now so much increased that they were hardly able to sustain themselves and their families. He was informed by the Bishop and other ecclesiastical authorities of the diocese that it was impossible to provide proper or efficient persons to give religious instruction to the people. It might be said the Ecclesiastical Commissioners had more populous places than Carlisle to provide for, but surely they ought to do something for a district so destitute as Carlisle. He would not ask how many fine palaces had been built, but he would say that there was

much cause to complain of the past and present conduct of the Commissioners. Instead of augmenting the livings of the poor clergy they had increased, he heard, the salaries of their own officials. That might be right in itself, but the object of the Commission being to make better provision for the small livings, they should have been attended to in the first instance. He had heard the other day too that the Dean of York—a person deservedly popular in the city—had had his salary greatly increased. That also might be a proper thing, but he maintained that the first duty of the Commissioners was to attend to the poor clergy.

Clause brought up, and read 1^o.

MR. THOMPSON said, he should cordially support the clause. He stated the case of a parish from which the Commissioners had drawn funds to the amount of between £8,000 and £9,000. The living was a very small one, and there was no parsonage. An offer of contributions to the amount of £600 was made to the Commissioners if they would contribute £200 to the building of a parsonage, but they replied that the case did not come within their rules. In another case where the living was £150 a year, and where the tithe rent-charge, of which the Commissioners had the reversion, was £2,800 a year, they also said they could not make a grant, as it did not come under their rules. Nobody disputed that the Dean of York was an excellent man, and he had no doubt that the money given to him by the Commissioners would be well spent, but that was not the question. It was the duty of the Commissioners in the first instance to look to the comfort of those working clergy, who were struggling with the evils of poverty. The great complaint against the Commission was that the funds were not expended in the relief of the most necessitous cases.

SIR GEORGE LEWIS said, the Committee had decided the day previous in favour of a proposition that would give to localities in the neighbourhood of lands held by the Commission a certain preference; but his hon. Friend now asked them to come to a decision which would be inconsistent with any such preference being given to local claims. He said the Commission ought to consider first the most necessitous cases. If that was done, then they must abandon all preference for particular localities. But if the clause proposed by his hon. Friend were passed it

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would not effect any alteration of the existing law. He believed that the Commissioners could take into consideration any case that came before them; and there was nothing in the clause that would change their mode of procedure. If it was intended that benefices under £100 were to have a preference over all others in the matter of augmentation, then the clause was at variance with others that had gone before it.

MR. NEWDEGATE said, he believed the Ecclesiastical Commissioners had adopted a rule that they would not give relief in any case where the population did not exceed 2,500. Why should the line be drawn at that particular amount of population? He thought the proposal of the hon. Member deserved more attention than it had received. The means of the poorer clergy were much more restricted now than formerly, in consequence of increased competition in educational and literary pursuits; and the clergy were unable to apply their talents in other directions. He thought it would be very proper for Parliament to lay down the rule that no clergyman should be expected to exist on less than £80 or £100 a year.

MR. DEEDES said, no one regretted more than he did that there should be a single incumbent with an income of less than £100 a year. Since he had a seat at the Board he had anxiously taken into consideration every such case that had been brought forward; in point of fact, he could tell his hon. Friend that every single case brought forward this year had been gone into by a Committee, which was appointed for the purpose, and consisted of the Estates Committee of the Commission, and one or two other Members; and that, with one or two exceptions, where the population was under 100, grants had been given to all the cases where the income was less than £100. But if they were to agree to this clause, the discretion of the Commissioners would be taken away as to the appropriation of their funds. Every year the regulations under which the Commissioners agreed to receive applications for grants, were published and circulated as widely as possible; and he might state that, at the instance of the Bishop of Carlisle, the regulations were last year altered so as to take into account area as well as population. A given day was named as the last on which applications, coming from any part of the kingdom, would be received for the

benefactions placed at the disposal of the Commissioners. These applications were all classified and gone into very carefully. The system under which benefactions were received, excluded from the benefit those poor parishes that could not offer benefactions; but he hoped to see a fund, say £10,000 a year, laid aside to meet such cases. They must be very careful, however, that they did nothing to stop the stream of benevolence that had been pouring in for the last few years. Last year there were offers of not less than £237,000 in the way of benefactions; and he thought, therefore, they should be cautious lest, in making grants independent of benefactions, they took a step that would check this flow of liberality. Allusion had been made to the augmentation of the salary of the Dean of York. That was considered to be necessary, in order to make the salary equal to what it was understood to be when the present dean was appointed. To make up the difference between what the salary was stated to be nominally, and the actual amount, the Commissioners had consented to make the augmentation. There was a difference of opinion on the subject, however: and the opinion of the law officers of the Crown had been taken. That was in favour of the legality of the proceeding. He did not himself think that the Commissioners ought to have taken that step without coming to Parliament.

MR. SPOONER said, he cordially agreed with the hon. Member for East Kent (Mr. Deedes) that the grant of £1,000 a year to the Dean of York was a most unjustifiable proceeding, considering that there were incumbents starving on £80 a year. He hoped that in future no such grant would be made, till the actual wants of the poor clergy were supplied.

MR. CAYLEY said, he wished to know whether the Commissioners were precluded by any rule they had laid down from dealing with such cases, as the hon. Member for Cumberland had referred to?

MR. DEEDES said, there was no rule laid down by the Commissioners to prevent their considering any application that might be made to them.

MR. BARROW said, that in many cases the parishes, the value of whose livings was so small, had a fair claim upon caputular revenues.

SIR JAMES GRAHAM observed that hitherto the attention of the Commission had been directed to the spiritual destitution of the great masses of the commu-

nity. He did not deny that the poverty of the clergy in many instances was inconsistent with the efficient spiritual instruction of the people, and this was a matter which all must deeply regret. The rule of the Commission in former years had been to confine the augmentations to populous places; but, at the instance of the Bishop of Carlisle, last year population alone ceased to be the consideration in such cases, and the question of area was combined with that of population. The consequence had been a considerable augmentation of the incomes of many of the poorer clergy in the diocese of Carlisle and elsewhere. It would be impossible, in his opinion, to adopt the rule that all livings should be brought up to £100 a year. Such a rule it would not be wise to adopt. He disapproved the augmentation of the income of the Dean of York. He thought it a matter of doubtful policy, and was of opinion that, though the Commission might have had the legal power to do so, it was a step which should not have been taken without coming to Parliament. Accordingly, he thought it his duty, though unsuccessfully, to resist the augmentation.

MR. DEEDES pointed out that one effect of the clause, if carried, would be to discourage the giving of endowments for more than £100 a year. They would have endowments of £50 or £60 a year, and then the Commissioners would be expected to raise them to £100.

MR. HOWARD said, it ought to be understood that such a rule should not prevail in the case of private patrons, unless a grant were made by the Commissioners to be met by one of equal amount from other sources.

MR. HENLEY said, he had always been in favour of giving great discretionary powers to the Ecclesiastical Commissioners, but he believed that the exercise of that discretion in the case of the Dean of York's salary would do more to shake the confidence of the public in the Commission than anything that had occurred for years, while it might lead the House to lay down hard rules for the guidance of the Commissioners in future.

MR. WESTHEAD said, the office of Dean of York required a large expenditure, as a great deal of hospitality was expected from him. Two years ago he proposed in the Bill then before the House that the salary of the future Deans should be £2,000 a year, and the people of York were quite willing, but they were not will-

ing that the present Dean should receive that salary, as his private fortune was quite adequate; but they thought that at the next avoidance the salary should be raised to the same amount as that of the Dean of Canterbury. However, he wholly disapproved the manner in which it had been done by the Ecclesiastical Commissioners.

Motion made, and question put, "That the clause be read a second time."

The Committee *divided*:—Ayes 54; Noes 75: Majority 21.

VISCOUNT ENFIELD proposed to add a clause after Clause 47, giving compensation to the clergy within the Metropolitan area for the loss of fees in consequence of the discontinuance of burials in their church-yards; he stated that the Metropolitan Interments Act, which was passed in 1850, authorized the Board of Health by an order in Council to cause the discontinuance of burials in parochial burial grounds. That statute recognized the rights of the incumbents to compensation for the loss of their burial fees; accordingly the General Board of Health directed an inquiry into the claims for compensation under that Act; the inquiry was conducted by Mr. C. Z. Macaulay, Assistant Secretary to the Board, and by Mr. H. R. Williams, Treasurer under that Act. These Gentlemen, having ascertained the facts bearing upon these claims, recommended the annual amount which should be given to each incumbent. The result of these inquiries, including the sums claimed and allowed in the case of each parish, has been printed as "A return to an order of the House of Lords, dated April 26, 1858." The clergy having had their claims thus investigated for the purpose of having compensation given to them under the provisions of an Act of Parliament were justified in expecting that they should not suffer pecuniary loss by the disuse of their burial grounds. But to this day they have not received the expected compensation, for the Act of 1850 was repealed in 1852 by the Metropolitan Burials Act; the Board of Health then lost all jurisdiction in the matter, and the claims for compensation which that Board had investigated and approved have remained unsatisfied to the present time; these losses have been alluded to in the Report of the Select Committee of the House of Lords appointed to inquire into the deficiency of the means of spiritual instruction, dated April 1858. An opportunity for providing the means for com-

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pensating the clergy now presents itself the Bill now before the Committee provides in Clause 47 that compensation shall be given from out (it is presumed) of the funds in the hands of the Ecclesiastical Commissioners to surveyors, lawyers, and others who may suffer loss by the change made in the method of letting or managing church property, and a slight extension of the provisions of that clause is all that is required for granting compensation for the losses occasioned by the discontinuance of burials in the Metropolitan churches and churchyards.

SIR GEORGE LEWIS admitted that great hardship had been caused by the loss of fees in the way referred to, and if any means could be devised, without making a charge on the funds of the Church, to make up incomes that had been so affected, he would be glad to give it his best consideration, but he did not think it was a matter that could be provided for in the present Bill, and, therefore, he must oppose the clause.

Clause negatived.

MR. ALCOCK moved to insert a clause enabling the Commissioners, if they should think fit, to release any rent-charge granted, or transferred to them by way of endowment of any church or chapel, in consideration of the transfer into their names of a sum in consols producing dividends equal in amount to such rent-charge, and also enabling them to release a portion of the lands on which a rent-charge was chargeable, provided that the residue of such lands was of sufficient value to yield the rent-charge.

Clause agreed to.

MR. THOMPSON moved to add a clause enabling the Commissioners to borrow money from the governors of Queen Anne's Bounty or from the Exchequer Loan Commissioners to make up any deficiency arising from the non-renewal of leases.

Clause negatived.

MR. JOHN LOCKE moved a clause extending the benefit of the provisions in favour of lessees to sub-lessees.

Clause agreed to.

MR. CAVENDISH BENTINCK said, he would move that the Commissioners be empowered to make grants to such persons connected with St. Paul's Cathedral and Westminster Abbey as had accepted a commutation of their claims in 1840. The Ecclesiastical Commissioners felt themselves compelled to discontinue the grants which had been made, and his object was

to prevent the reimposition of the fees by the vergers who had accepted the commutation.

SIR GEORGE LEWIS expressed his opinion that the clause was unnecessary.

Clause *negatived*.

House *resumed*.

Bill *reported*; as amended, to be considered *To-morrow*.

STORES SENT TO INDIA.—QUESTION.

SIR DE LACY EVANS said, he put a question the other night to the Secretary of State for War with regard to some letters from the Bombay Government and other matters relating to the administration of the War Department. The right hon. Gentleman did not recollect the dates of the Correspondence; and he therefore begged now to give notice that he would put his question to-morrow, and specify the dates of the several papers which he wished to see produced. [Sir CHARLES WOOD was understood to intimate to the hon. and gallant Gentleman that he might put his question at once.] He had, therefore, to ask the Secretary of State for War, Whether he had not received from the Secretary of State for India in Council a letter from the Bombay Government, dated 25th of February, 1860, with an enclosed letter from the Inspector General of Ordnance in Bombay, dated 30th of November, 1859, together with the copy of a letter from the Bombay Government, dated 12th of March, 1860, with an enclosure from the Inspector General, dated 15th of December, 1859, all relating to stores sent from this country to India? He had also to ask whether there will be any objection to laying Copies of this Correspondence on the Table of the House, together with Copies of any Correspondence concerning the recall by the Council of India of certain Storekeepers recently sent to India by the Secretary of State for War.

SIR CHARLES WOOD: I thought, Sir, that my hon. and gallant Friend was going to put a question as to a misapprehension which arose respecting the answer given by my right hon. Friend the Secretary of State for War, and not to put so extensive a question as the one he has just read. The answer given by my right hon. Friend the other night has led to considerable misapprehension. I supposed that the question of my hon. and gallant Friend referred to a letter relating to some Artillery Stores which were sent out to meet

the demands of the service in India. On that subject a letter was written to the War Office on the 12th of May, to which we have not yet received an answer. My right hon. Friend stated the other night that he had addressed a letter to us in November, to which he had not received an answer. The hon. Member for Birmingham (Mr. Bright) took notice of that, and said that it was much after the fashion of the India House. Literally, my right hon. Friend was correct. No answer was sent to his letter, but the reason was that a joint Committee of Officers of the Indian and War Departments was appointed, which fully investigated the subject to which that letter referred—namely, the mode of supplying stores to India, and placed it upon a proper footing—that Colonels of regiments, instead of making requisitions home, shall make them to the local Governments, by whom the stores needed shall be obtained from this country. With reference to the subject of the hon. and gallant Gentleman's question, I can only say that during the war stores were sent out with the Royal Artillery which are not now required. That probably was owing to the pressure of the mutiny, and would not have occurred in ordinary times.

THE SPIRIT DUTIES.—QUESTION.

MR. BRIGHT: I suppose, Sir, that some night the question of the Duties upon Spirits will be brought forward again. I should like to ask the right hon. Gentleman the Chancellor of the Exchequer, Whether it is his intention to ask the House to enact those duties permanently, or only for a year. With reference to recent transactions, I should think that that was an important consideration.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the proposal which has been made by the Government is for a permanent addition to the Spirit Duties. Of course, it will be competent to any hon. Member to move any Amendment in Committee on the Bill.

MR. BRIGHT: The right hon. Gentleman does not understand my meaning. I did not intend to ask whether the addition would be permanent, that is, should continue as long as the Spirit Duties last, but whether in the Bill the tax upon spirits would be made an annual tax, so that it should come under the review of the House next Session; because I presume that, after what has taken place,

that will be the course which the House will in future adopt with regard to all new taxes.

THE CHANCELLOR OF THE EXCHEQUER: The question of the hon. Member is more extensive than I had supposed. The Bill as it now stands, without any limit of time, will have the effect of enacting the Spirit Duties permanently.

THE LOAN OF APRIL, 1855.

QUESTION.

MR. HUBBARD said, he rose to ask the right hon. Gentleman the Secretary of State for the Home Department what are the rates at which he estimates the interest attaching severally to the Three per Cent Consolidated Annuities and to the Thirty Years' Annuities, given in consideration for the Loan of £16,000,000 which he made as Chancellor of the Exchequer in April, 1855?

SIR GEORGE LEWIS: Sir, I am afraid that I cannot give a perfectly direct reply to the question of the hon. Gentleman, on account of the manner in which that Loan was contracted; but I will give the best answer in my power. Assuming that the Loan of £16,000,000 in April, 1855, might have been raised at £88, if the whole had been raised in Consols, which leaves a bonus of only £2 for risk, &c., Consols being quoted at £90 at the time of the Loan, the interest payable on that portion of the Loan of £16,000,000 which is represented by Consols may be taken at about £3 8s. per cent sterling. The bidding was in one sum for both Consols and Annuities. Assuming, therefore, that the remaining £12 represents the capital received for the annuity of 14s. 6d. for thirty years, which is equal to a perpetuity of 9s., the interest payable on this portion of the Loan may be taken at about £3 15s. per cent sterling. Therefore, the difference in the rate of interest, according to my calculation, is that between £3 8s. and £3 15s. That is matter of calculation, and may be disputed; the following, however, is matter of fact, and cannot. The present price of the Annuity is about £16½ per £1 annuity, up to April, 1885—about twenty-five years. This gives an interest of £5 18s. 6d. per cent, which includes about £2 10s. for sinking fund; this leaves £3 8s. 6d. for interest per cent sterling. According to the present price of Consols, you may say that a 3 per cent annuity is worth about from £3 4s. to £3 6s., and therefore

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the difference, as I submit, between the price of Consols now and that of these Annuities is not much more than 2s. 6d. per cent.

MR. HUBBARD gave notice that he should to-morrow call the attention of the House to the impolicy of raising money by loans repayable by terminable Annuities.

THE WAR IN SICILY.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the noble Lord the Secretary of State for Foreign Affairs, Whether any proposition has been made to Her Majesty's Government by the Special Envoy of the Neapolitan Government, lately arrived here, that the English Government should join with the other Powers in imposing and enforcing, by the means at their command, an armistice for six months between the Neapolitan Government and the Sicilian Government under General Garibaldi; and whether Her Majesty's Government have any intention of entertaining any such proposition?

LORD JOHN RUSSELL: Sir—In answer to the present question, I have to state that it is true that an Envoy from the Neapolitan Government has lately arrived in this country, and has proposed to Her Majesty's Government that they should mediate between the King of the Two Sicilies and Garibaldi; and that if that mediation, for the purpose of obtaining an armistice, and providing that there should be no attack upon the territories of the King of the Two Sicilies on the mainland, should not be accepted by Garibaldi, force should be used by the Governments of Great Britain and France, with a view of imposing such an armistice upon him. To that proposition Her Majesty's Government have declined to assent.

PUBLIC BUSINESS.

VISCOUNT PALMERSTON: Sir, I rise to make a Motion of which I gave notice the other day, with a view of facilitating the disposal of the business of the Session. The Session is now very advanced; the period has arrived when no Bills except measures of extreme urgency will be taken up by the other House—at any rate when Bills brought in by private Members have no chance of passing through the House. I hope, therefore, the House will not object to coming

to a Resolution that on Tuesdays Orders of the Day shall have precedence of Notices of Motion, the Government orders having priority. I put on the paper a notice to ask the House to adopt the Resolution in respect of Tuesday next, and each succeeding Tuesday during the remainder of the Session; but I find that hon. Members have Motions standing in their names for Tuesday next, and as I do not wish to interfere with them, I propose the rule shall commence on and after Tuesday se'nnight—Tuesday, August the 7th, and be continued on each succeeding Tuesday during the Session.

Motion made, and Question proposed,—

“That upon Tuesday the 7th day of August next, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having priority.”

MR. DISRAELI: The House has, I think, shown during the Session no indisposition to assist the Government, as far as the arrangement of time is concerned, in the prosecution of public business. Thursday was given to them after Whitsuntide without a murmur. The noble Viscount then proposed another change, by which the time of the House has been somewhat curtailed. It was proposed—and it seemed but a slight proposition at the time—that public business should commence at a quarter past four instead of half-past. That arrangement, while it has very considerably added to the inconvenience of independent Members, has not contributed, to any material extent, to the advancement of public business. The noble Lord now makes another proposition, that the House should give up to the Government the only day which remains for the use of independent Members. There is no disposition, I am sure, to throw any difficulties in the way of propositions of this kind made by the Government; but the House has a right to expect in return that there should be an equally frank and accommodating spirit shown by the Government to the House. There is one subject, on which I must say the House has not been fairly treated by the Government. The measure to which I refer is the one noticed by the right hon. Gentleman the Chancellor of the Exchequer this evening—the Paper Duties Bill. That Bill is admitted by hon. Members on both sides of the House to be a measure of great interest and importance, and it is therefore incumbent on the Go-

vernment to introduce it to the notice of the House at a time when it may be fairly and fully discussed. Although, however, inquiries from both sides with respect to it have been made with unexampled frequency—I myself having been obliged, almost in an intrusive manner, to press for information on the subject—we have not been favoured until to-night with any intimation from the Government as to their intentions; and now a day is proposed which appears to involve unreasonable and unexpected delay. I should certainly be sorry to oppose the Motion of the noble Lord; but, if the House agrees to it, I think the Government ought to fix an earlier day than next Monday week for the introduction of the Paper Duties Bill. They ought to place that measure before us on the earliest day possible after next Monday, which is already appropriated. But I really cannot see why the Government should not, some days ago, have arranged for the introduction of the Paper Duties Bill to-morrow, when I believe we are only going into Committee of Supply. I think that would have been a proper time. However, I shall support the Government in the present Motion, provided we have an assurance from the noble Lord that he will bring forward the paper duties' question on the earliest day after next Monday, which I suppose will be Thursday, seeing that the noble Lord does not now propose to take Tuesday, although I think that would not have been an unreasonable proposition on the part of the Government. The very best arrangement, in fact, would have been to take the Paper Duties Bill on Tuesday next; for the subjects which are to be brought before us on that evening, though important are not urgent, and might be discussed at an early period of the Session with more advantage. I, therefore, think that we should give the Government Tuesdays at once, and that the noble Lord should fix the Paper Duties Bill for next Tuesday; but if that arrangement cannot be made—though I see no difficulty in the way—then I shall be glad to support the modified proposal of the noble Lord, on the clear understanding that the Paper Duties Bill will be brought under our consideration on the earliest day at the command of the Government after Monday next.

MR. HADFIELD said, that he, as an independent Member, was willing to give the Government every facility for bringing forward their important measure re-

lating to the paper duties. That was a question which ought to be fairly and fully discussed, even though it should detain hon. Members in their places for two months.

SIR GEORGE BOWYER said, he thought the proposal which had been made by the noble Lord by no means unreasonable. But with regard to the introduction of Government Bills, he wished to call the attention of the Government to a Bill of great importance which was in his charge (the Roman Catholic Charities Bill.) It had met with very serious and unexpected difficulties, arising from the opposition of hon. Gentlemen on his (Sir George Bowyer's) side of the House, and unless the Government would allow a day for its full and free discussion, the Bill would be lost, and the Roman Catholic charities would be left to the administration of the Charity Commissioners without the protecting clauses which had been promised in the first instance.

MR. MONSELL said, that if every hon. Member had not the patriotism of the hon. and learned Member for Sheffield (Mr. Hadfield), all were agreed that the question of the paper duties ought to be settled as speedily as possible. He therefore wished to press upon Her Majesty's Government the importance of discussing the question on the earliest possible day. It could not satisfactorily be dealt with except in a full House, and he did not think that on so late a day a large assemblage of Members could be expected.

SIR MINTO FARQUHAR observed, that the House had been placed in a rather singular position by what had occurred with regard to the paper duties. On Monday last his right hon. Friend the Member for Buckinghamshire asked when the measure was to be introduced to the notice of the House. The noble Lord at the head of the Government promised a reply on the following day. It was very remarkable that on Monday evening, when the noble Lord at the head of the Government was making his interesting statement on the fortifications, the Chancellor of the Exchequer was not present. On the following day matters were *vice versa*. The right hon. Gentleman the Chancellor of the Exchequer was present, but the noble Lord was not. His right hon. Friend (Mr. Disraeli) repeated his question on the occasion, putting it to the right hon. Gentleman the Chancellor of the Exchequer. The right hon. Gentleman, however, gave

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the House to understand, in some *naïve* remarks, that he knew nothing about the state of public business. A similar avowal was made by the noble Lord the Foreign Secretary, who stated that he did not know what his noble Friend's intentions were. Was it not very extraordinary that upon a subject which interested the whole country, and which had given rise to several debates in that House, there should have been so much indecision and delay? One of three things must have occurred; either there must have been great dissensions in the Cabinet on the subject, or there must have been some question pending in France—such, for example, as that relating to the exportation of rags, with respect to which the Legislative Council had refused to carry out the wishes of the Emperor—which it would be convenient to have settled beforehand; or the Government must have thought—to quote a remark attributed to the present Lord Chancellor when he was Attorney General—that the end of the Session was the time for passing Bills without obstruction. The subject was discussed, not only in the House, but out of it; and it was considered most extraordinary that this question of the introduction of foreign paper without duty should be delayed from day to day; and he felt sure that it was not now satisfactory to the House to have it postponed till Monday week.

VISCOUNT PALMERSTON: Hon. Gentlemen are very kind in making so many suggestions, but their propositions are so various and so difficult to carry out that I must adhere to the proposition which I have made, and ask the House to agree to give Orders of the Day precedence of Notices of Motion on Tuesday se'nnight and each succeeding Tuesday for the remainder of the Session. With regard to the observations made as to the answers given to inquiries on the subject of a particular measure, really if hon. Members knew how difficult it is for Government to settle the day on which particular business can come on, and how often we are disappointed against our will by the manner in which discussions on other business are continued, they would understand our difficulty. If we say that on some future day we shall give an answer, it is in the belief that we will be able to do so; but the course of public business may be such that it is not only difficult but impossible to fix with certainty when a particular question will come on.

MR. EDWIN JAMES said, he wished the noble Lord would take that opportunity of informing the House what measures the Government intended to proceed with and what to abandon. He, for one, felt surprised at the statement of the noble Lord that the House was to take on credit certain important measures for the consolidation of the criminal law, which were mentioned in the speech from the Throne, and which had come down from the House of Lords. That was the first time he had ever heard such a statement made. Why should the House of Commons take on trust most important measures coming from the House of Lords, when that latter House refused to take on trust the financial measures of the House of Commons? The Bills he alluded to would require most anxious consideration, and, as far as he was concerned, they would not be taken on trust.

MR. BENTINCK said, he thought that the House must have heard with regret that the noble Lord had not given a more definite answer to the questions of the hon. Member for Hertford as to the intention of the Government with regard to the paper duty. He could hardly believe it possible that the right hon. Gentleman the Chancellor of the Exchequer was serious when he gravely told the House that it was his intention to postpone that important question till the 6th of August. Such a postponement would seem like—though he would not impute such an intention to the right hon. Gentleman—trifling with the business of the country. The right hon. Gentleman was too old a Parliamentary campaigner not to know that, apart from the abstract question whether or no a Member ought to be in his place at all times, it would be perfectly impossible to get a full attendance of the House at that period. The hon. Member for Birmingham smiled and shook his head, but he would agree as to the fact. He asked, when the great importance attached to this subject was considered, whether it was dealing fairly by the House or the country to postpone the discussion one moment later than possible. There was the whole of the following week, and without wishing to impute any such motive to the Chancellor of the Exchequer, yet, if the right hon. Gentleman persevered in postponing the discussion of the question relating to the paper duty to such a distant day, when it would be impossible to obtain a full attendance of the House, it

would look very much as if the right hon. Gentleman thought that there would be a better chance of succeeding with his measure in an empty House than in a full one.

MR. MALINS said, he too was sorry that the Government had not distinctly stated what Bills they did not intend to proceed with. The Companies Bill, a consolidation Bill, containing about 300 clauses, had been before Parliament for about three months, and did the Government expect that the House would take a Bill of that sort on credit? Then, there were seven different Bills for the consolidation of different branches of the criminal law; and the House must either go through them clause by clause—which was impossible—or take them on credit. They contained at least 1,000 clauses, and the noble Lord gravely proposed that they should be passed without any one Member in the House knowing their contents. He wished the noble Lord would state to-morrow night what measures the Government intended to proceed with and what to drop.

SIR GEORGE GREY said, the question of what measures should, and what measures should not, be proceeded with, had to a great extent been decided already. The Bankruptcy Bill, the Corrupt Practices Amendment Act, the Highways Bill, the Scotch Wine Licences, and the Savings Bank Bill, had all been disposed of, and the orders respecting them discharged, and no other Bill remained on the Orders, on which any discussion was anticipated, which was in the hands of the Government. The reason why the Companies Bill, and other measures had not been proceeded with, was owing to the decision of the House of Lords not to take any ordinary Bill after a given day, and the necessary consequence was, that all the measures which came down from the Lords were postponed till others had been considered. The day fixed expired, he believed, that day, and the hon. and learned Member who had charge of the Bill could obtain a day for bringing it forward. He would suggest to the hon. Member for Guildford (Mr. Bovill) who had charge of an important Bill, and to the hon. Member (Sir George Bowyer) who had charge of the Roman Catholic Charities Bill, to look to Wednesday as a suitable day for placing their Notices on the Paper.

SIR JOHN PAKINGTON: I confess I am much disappointed that the right hon. Gentleman has not intimated that it is the

intention of the Government to yield to the strong representations which have been made on this side of the House respecting the great inconvenience of the course which they are taking. I think we have some reason to complain of the state of the business on the Paper. The House must recollect that not long ago the noble Lord promised to state what business would, and what would not, be proceeded with. It is extremely inconvenient to have a long list of orders constantly on the Paper when the House does not know which of them will really come on; and I ask why have the Government not supplied us with this information? But my object in rising is chiefly to complain of the conduct of the Government with regard to the important discussion on the paper duties. The noble Lord says it is extremely difficult for the Government in the conduct of business to be able to state on what night Bills will be brought on. That I can easily understand; but it was no more difficult last Tuesday than on Monday, and on Monday the noble Lord volunteered the statement that next evening he would fix a day for this discussion. My right hon. Friend was accordingly in his place. He appealed to the right hon. Gentleman the Chancellor of the Exchequer, then to the noble Lord the Foreign Secretary, and both said they were unable to answer the question. But that was not all. The noble Lord the Foreign Secretary said he had that morning received a communication from the Prime Minister, informing him that he was coming down to make the expected statement, and we were told that he would no doubt do so in the course of the evening. No such statement, however, has been made to this day; and this rather strengthens a statement made to me only last Tuesday, which at the time I received with some incredulity—namely, that a regular supporter of the Government went to them and said, "What are you going to do about these paper duties? Why do not you fix a day? If you do not take care, and if you postpone the question so late, the Conservatives will have left town, and we shall carry it." I can easily understand, on the part of some of the usual supporters of the Government that some such alarm may exist; but, on the part of the Ministry it does look as though they wished by further delay to bring on this question when the House is more thinly attended than it now is. Looking at the

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strong representations which have been made to the Government, and the inconvenience which delay will cause to many hon. Members, I think that before we accede to the request of the Government respecting the Tuesdays, we have a fair right to expect them either to fix the discussion for Thursday next, or adduce some better reason for its postponement than they have hitherto given.

THE CHANCELLOR OF THE EXCHEQUER: I wish to say one word only, in the first place, on a very small point. It has been stated that the Savings Banks Bill has been disposed of; virtually, no doubt, that is so. But there are minor questions connected with it which may have to be carried forward. I mention that to prevent misunderstanding. It is not absolutely disposed of, though, as regards all the material and controverted questions involved, it certainly is disposed of for the year. I will now answer the challenge of the right hon. Gentleman (Sir John Pakington) and the hon. Member (Mr. Bentinck) on the subject of the paper duties. The hon. Gentleman said he thought it must have been the Chancellor of the Exchequer who had postponed the discussion of this Bill in the expectation of carrying it by such postponement; and he likewise said that it was utterly impossible to have a good attendance here on the 6th of August. Now, he is entirely mistaken in both those propositions. I, myself, have seen an excellent attendance in this House, not on the 6th of August, but on the 1st of September, and I do not imagine that the proposition respecting the paper duties will be postponed till the 1st of September. As to the Chancellor of the Exchequer being responsible for postponing this business, I think if the hon. Member were conversant with the interior working and anatomy of any Administration he would know, that all the Members of a Government are nominally and habitually in a state of conflict as to which of them shall bring on his own business first, and it certainly never happens that the person who is departmentally concerned in a Bill is voluntarily the agent in postponing it. Setting aside the commercial importance of this question of paper duties, it is a question on which a great deal of interest is concentrated. It is, therefore, a subject which cannot be disposed of in a debate of an hour or two, but we must have a clear and unbroken evening to deal with it. The Govern-

ment are, of course, aware that at this period of the Session you cannot expect a large number of Gentlemen to remain permanently in town, and they have therefore thought that they would best consult the general convenience of the House by selecting for the purpose of the discussion an unbroken evening, with regard to which they could give notice some time before, and with a perfect confidence of their ability to carry out the arrangement. That is the principle on which the Government have proceeded. Let us see, then, whether there is any intermediate day which would have satisfied these conditions. Monday will be devoted to the Fortification Question. Friday is not an unbroken evening; and the Members of the Administration have mournful experience that no man can count on going on with the Orders on those evenings until ten or eleven o'clock. Thursday is the only other day at the disposal of the Government; and how is the hon. Gentleman to guarantee me that the subject of fortifications may not require to be discussed on that evening also? That is a question of vast importance, and one upon which there has been very little discussion. Did I hear any Gentleman suggest that it was a question of no more importance than the paper duties? I shall not enter into any comparison. The two subjects are not *in pari materia*, and it is difficult to bring them to any positive standard. But there is nothing so inconvenient as the interruption of important discussions. The Government believe it will be the pleasure of the House to come to a decision on the subject of fortifications in the course of next week; but they think themselves bound to keep open two days for the discussion. [An hon. MEMBER: There is Tuesday.] Tuesday is not at the disposal of the Government. We think it our duty to keep open Monday and Thursday for the discussion on fortifications; and we do not think it convenient to appoint the paper duties for Friday in next week, when the debate might probably begin at nine or ten o'clock, and might have to be adjourned until Monday. That is the principle on which the Government arrangement is based, and it does not appear to me that we have any option.

SIR HUGH CAIRNS: I think the right hon. Gentleman the Chancellor of the Exchequer has given an extremely good reason why a different course should be pursued from that which he proposes. He

spoke of the inconvenience attending the interruption of an important debate, and assumed the possibility that the discussion on the fortifications would not terminate on Monday evening. But what is the conclusion from his premises? Why, that it would be for the convenience of the House and of the country that a discussion so interrupted should be resumed, if possible, on the following day, and the Government in the course of the present Session have had very good reason for knowing that, if the debate were adjourned on the Monday, hon. Members who have Motions on the Paper for the following evening would interpose no difficulty in the way of its resumption then. I will therefore test the sincerity of the Government. Let them put the paper duties down for Thursday. We shall then see whether the fortification debate terminates on that day, and if not, whether private Members on Tuesdays will not be ready to give way. If they are ready, the fortification debate may be resumed on Tuesday, and on Thursday the paper duties may come on. If they are not ready, we shall at all events be in no worse position than now. And, on the other hand, if the fortification debate terminates on Monday there will be no difficulty in discussing the paper duties on Thursday, and hon. Gentlemen who are anxious to take part in the discussion will be relieved from inconvenience.

MR. BRIGHT: One would suppose, from the observations of so many hon. Gentlemen opposite, that there was no difficulty in arranging these matters at the end of the Session. I find at the end of every Session that there is just this confusion and difficulty, and if hon. Gentlemen were in office they would have just the same difficulty, provided some of us were not to treat them with a little more consideration than they seem disposed to extend to the Government to-night. I have risen to appeal to the Chancellor of the Exchequer in a different sense. I do not ask him to avoid postponing the paper duties beyond the 6th of August, not because all the world is expecting what will be done in this matter; for after all it is a question of three-farthings or seven-eighths of a penny per pound in the import duty on paper, and the course which the right hon. Gentleman proposes is greatly in favour of the revenue, with which hon. Members opposite so much sympathize. I ask because there is one point which renders it most essential that the question

should be settled. At this moment there are coming into this country, under the low duty provided for by the specific Article in the Treaty, very considerable quantities of paper under the name of paper hangings, and, I think, card-board, and competing with the paper which is now paying a high duty and a high excise. That state of things cannot be allowed to go on, as it is injurious to trade, and it is the duty of the Chancellor of the Exchequer—although the matter is not of the great importance which hon. Gentlemen opposite attribute to it—to see that it is not postponed longer than the day that is fixed, in order that the House should say whether the House will support the treaty which in an Address to the Queen it has already undertaken to support, or whether it will not. The proposition is one strictly in accordance with the treaty, and one which the Government must formally place before the House, and which this House by a specific Address to the Crown has declared its readiness to support.

SIR LAWRENCE PALK said, that if the attack upon that side of the House had come from any one but the hon. Member for Birmingham (Mr. Bright), he should have been surprised, for certainly no Government could have been treated with more consideration by its opponents than the present Government had been. Upon the other hand, he knew of no previous instance in political history of a Government so entirely at the mercy of an Opposition as the present had been, and which had been treated with such forbearance by that Opposition. Never before had there been so much time wasted in quarrels between the Government and its supporters. Indeed he thought it was an indecorous thing that Government should be constantly assailed by its supporters, or be assailing them. But that evening was the climax. The House was willing to accede to anything the noble Lord asked, and only required in return that the earliest possible day should be fixed for the discussion of the paper duties. Hon. Members had important duties to perform in their own districts. They had been called together earlier than usual, nominally for the "despatch of business;" but even the noble Lord must admit that in no former Session had so little business been despatched with any useful result. It was only due to the House that the noble Lord should accede to the request that had been made, and undertake to bring on

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the question of the paper duty on Thursday next.

MR. HORSMAN: I think it will be obviously the most convenient course that we should come to no decision now, but adjourn the question until to-morrow, when the Government can state their determination after communicating with those hon. Members who have notices on the Paper for Tuesday next. With respect to the paper duties, I cannot understand why a different principle should be applied to financial legislation at the end of the Session from that adopted at the commencement. The Chancellor of the Exchequer has told us truly that the paper manufacture is an important one, but at the beginning of the Session we were told that such injury would be inflicted upon trade and commerce by having matters kept in suspense that even the forms of the House were overridden, and scarcely any time was allowed to consider the financial propositions that were made. But this Resolution of the paper duty has been five months upon the table. Paper is a most important manufacture, involving £1,500,000 of revenue, and whether paper manufacturers are right or wrong in their views, still few hon. Members who have been in communication with them can fail to believe that they are sincere in their convictions that the effect of the proposed change will be a transfer of their business from England to the Continent. If that be their belief, surely when they come to our bar they are entitled to have this important subject considered while there is time and ample attendance to give it fair consideration. We have no right, without some good cause, to turn a deaf ear to their application, and when the Government propose to postpone this question until the 6th of August, it is not too much to require them to state some strong reasons for such almost indefinite postponement. I must say the state of business at this moment is serious and perplexing, and our acquiescing in this proceeding would make us parties to the inconvenience it entails. I for one am not disposed to allow the relations between the Ministers and the House to be overstepped quite so readily as the noble Lord seems to suggest. Those relations I hold to be clear and indisputable. Ministers are selected and placed over each branch to administer the public business of the country, as servants of the country, and they have to give their attendance in this

House as servants of the House. They have to come down to answer questions and to give any information which may be required, and there should be no waste of public time, no indefinite postponement of important measures from the Ministers of the Crown not being in their places when they are wanted. There has been during the last few days great public inconvenience from Ministers not being in attendance, and I must say I agree with the right hon. Member for Buckinghamshire that when they have been in their places the answers that have been given, as on Monday and Tuesday nights, were hardly respectful to the House. The complaints have hitherto been confined to the paper duty; but now the House has also to complain of the manner in which the question of fortifications is to be dealt with, because we who are interested cannot help complaining that that important question—and, after the speech of the noble Lord, I must say that grave question—has stood postponed for a whole week because the Government took a most extraordinary and unprecedented course of placing a Resolution before the House and calling upon us to vote £2,000,000 without previous notice—a course for which I venture to say even the oldest Member cannot remember a precedent. When I saw the vague character of the Resolution I was amazed, and the hon. Member for Birmingham very naturally objected to proceed. The noble Lord very properly gave way, but those who came down to support the noble Lord as well as those who came down to oppose have a right to complain that a whole week has been lost for the settlement of so important a question through the carelessness of the Government. There is another question of a constitutional character which has been raised to-night. I heard with surprise a question on finance addressed by the hon. Member for Buckingham to the Home Secretary, which I should have thought it was the duty of the Finance Minister to answer. Are we to understand after the occurrence of the other night that this hitherto unprecedented course is to be adopted in future? [Sir GEORGE LEWIS: The question related to a loan which I negotiated.] I understood that it related to, and implied a comparison with, the loan now about to be negotiated. We had, however, a most important financial proposition submitted in a manner quite unprecedented, because hitherto a Vote for fortifications has been

brought forward in connection with the Budget. There has been an Estimate for the military department, and the money is found by the Chancellor of the Exchequer. But in this case there has been no Estimate; there has been no proposition from the Chancellor of the Exchequer, he was not even present when the question was brought forward. To-night, again, we have the Home Secretary replying to a question which the Chancellor of the Exchequer ought to have answered. I hope that when we come to discuss the question on Monday the Government will not lay themselves open to the creation of further delay by any hon. Member opposed to the proposal rising and refusing to allow the matter to proceed because of no opportunity for explanation from the Minister who is entrusted with the finances of the country. We are now on the 26th of July, and the most important—the financial portion—of our business has yet to be gone through, and we shall be neglecting our duty if on every occasion we do not obtain from the Government precise information of the course they intend to pursue. We now see daily what is certainly a novelty; upon one important measure after another the Government is defeated, and not only submitting to defeat, but positively showing an insensibility to it such as has never been witnessed before. We have never before seen Ministers undergoing defeat without manifesting any feeling or shame, and it is a question whether the House of Commons will allow a state of things to continue which is most injurious to the public interests, and damaging and degrading to all parties concerned.

SIR GEORGE LEWIS: The charge which my hon. Friend has brought against me is—to use his own language—the most singular and extraordinary I every heard, and when he talks of my conduct as unconstitutional, that is an example of rhetorical inflation which I have never heard exceeded in this House. What are the facts? The hon. Member for Buckingham (Mr. Hubbard) gave notice of a question to me upon the subject of a loan which I negotiated in 1855, when I held the office of the Chancellor of the Exchequer. The hon. Gentleman himself put the question to me, and I did not in any way originate or suggest it. If I had declined to answer that question, my refusal might have been considered discourteous, or it might have been supposed that I was ignorant of the matter. I thought it was my

duty, partly out of respect to the hon. Gentleman, and partly out of deference to the House, when a question was asked upon a matter of fact, of which I had official cognizance, to give an answer to it. Now, what there is irregular or unconstitutional in that surpasses my comprehension to imagine. On the contrary, if I had declined to answer the question put to me, I should have justly exposed myself to the censure and disapprobation of the House.

MR. H. B. JOHNSTONE said, that if hon. Members would make shorter speeches there would be no counts out, and the public time would not be wasted. They saw the result of these long speeches at the end of the Session, when nothing had been done. He had never detained the House for ten minutes, and he hoped he never should. If an hon. Member could not say what he had to say in twenty minutes, he ought not to have the ear of the House. He would give Ministers and ex-Ministers an unlimited time for speaking upon great questions; but twenty minutes was quite long enough for other Members to say all they had to say.

MR. HORSMAN said, he had meant to conclude by moving that the debate be adjourned until to-morrow.

LORD JOHN RUSSELL: I understood, and other Members of the Government understood, that what hon. Members particularly wished in regard to the paper duties, and that to which they attached importance, was that there should be certainty relative to the day on which the discussion is to be taken. My noble Friend in arranging the business of the House naturally considered how that certainty was to be obtained, and proposed Monday, the 6th of August, as the day on which the paper duties could be brought on. But the hon. and learned Member for Belfast (Sir Hugh Cairns) proposes a mode by which, with two or three contingencies and uncertainties, you may fix the paper duties' discussion—that is to say, if the discussion on the fortifications is not finished on Monday night, then we are to consider whether the Gentlemen who have now the right of bringing on notices of Motion on Tuesday night will persist in those notices or not. The hon. and learned Gentleman thinks they will not persist in them, but that is evidently a matter quite of conjecture and uncertainty. Of course, there is this for them to consider—that, if they attach great importance to their Motions, they must either bring them

on then, or give them up for the remainder of the Session. Therefore, my noble Friend did not think right to propose to take that day from them. Those Motions relate to the Slave Trade, the Volunteers (Ireland), the business of the House, and the Council of India. We have no particular reason for wishing those questions to be discussed, and the Government would be very willing that hon. Members should give up these notices of Motion. But, if there is uncertainty on Monday night, uncertainty on Tuesday, and then the paper duties are put down for Thursday night, on a chance that they may come on, I think it would be putting Members of this House to greater inconvenience than by the mode we propose. None of these hon. Gentlemen have yet said that they mean to give up their right. The hon. and learned Gentleman says there are no other questions of importance fixed for Tuesday, but I think it is hardly fair for Gentlemen to make their own estimate of the importance of questions. [Sir HUGH CAIRNS: I did not say so. I understood from the Chancellor of the Exchequer that the only thing that prevented Thursday being taken was the possibility of the Debate on Monday being adjourned.] What I was about to say was that six weeks ago it was said that it would be necessary to go on with the Civil Service Estimates, and that postponing them beyond an early day in June would certainly be unprecedented. Now, it appears that there is no care for Votes in Committee of Supply or Civil Service Estimates, but that all our attention ought to be given to the paper duties. The right hon. Gentleman (Mr. Horsman) last year was very importunate on the question of fortifications. He said nothing was so important as the question of fortifications, and that we ought to have a loan upon them. The right hon. Gentleman is now quite indifferent on the subject, and he rather complains that it is not made one of the ordinary Votes of Supply. [Mr. HORSMAN: No!] Yes, the right hon. Gentleman complained that my noble Friend had brought forward the question of fortifications, and said that the usual course was that they should be brought forward in the Estimates of the year. If they were comprised in the ordinary Votes of Supply they would then be taken as part of the appropriation of the year. But my noble Friend adopted, not exactly the scheme of the right hon. Gentleman, but the principle of the scheme for which he was so earnest

Sir George Lewis

last year, in having a special loan for fortifications. But the right hon. Gentleman now gives up all care for the fortifications, concentrates his whole attention on the paper duties, and gives lectures to Her Majesty's Ministers as to the way in which the public business ought to be conducted. It may be that the official career of the right hon. Gentleman was so brilliant that every one else is at a great distance from him in this respect. That may be the case, but I do not think any other Member is entitled to hold this language. If hon. Members consent to give up Tuesday there will be no objection to take the paper duties on Thursday, but as business stands at present it will be better to have certainty than uncertainty in regard to the day.

SIR WILLIAM MILES said, he could not but express his astonishment at the refusal of the Prime Minister to accede to what he thought a very proper suggestion—namely, that he should take the earliest possible day for the discussion on the paper duties; because it appeared to him (Sir William Miles) that, if any argument could be adduced for an early consideration of that question, it was that given by the hon. Member for Birmingham. He stated that at the present moment there was a vast quantity of paper coming from foreign countries, and creating great confusion amongst the whole trade throughout the country. It was a very singular thing that, generally speaking, in all questions of adjourned debate no appeal was made to private Members till the very night of the adjournment; but from that night till Tuesday there was plenty of time to make an appeal to hon. Members who had Motions for Tuesday, and from the disposition which had been shown by every private Member who had had a Motion during this Session, he felt confident that they would immediately give way.

SIR GEORGE GREY: Then why do they not say so?

SIR WILLIAM MILES: Because they have not been asked. He could easily understand if they were asked and refused to give way that that would be a reason for postponement; but his own wish was to have the paper duty discussed as early as possible, and he could not conceive why the subject should not be put on the Paper for Thursday. Some arrangement might still be come to with hon. Members who had given notices of Motions, and he should, with that view, move that the Debate be Adjourned.

Motion made, and Question proposed, "That the Debate be now Adjourned."

MR. MONCKTON MILNES said, an hon. Friend of his had an important notice of Motion for Tuesday, and he felt sure he would not give way. Nor was it likely that an hon. Member would surrender his right, when it was considered that Tuesday was the last day on which a Member would have an opportunity of bringing forward any Motion. He trusted that his hon. Friend opposite would not press his Amendment, because it was even doubtful whether the question of the paper duties would come on so soon as Monday the 6th of August.

MR. CONINGHAM said, he wished to remind the House that it was wasting a great deal of time over this discussion. He wished also to assure the Chancellor of the Exchequer that on the subject of the paper duties he would receive a determined and energetic support from hon. Members below the gangway.

MR. VANSITTART said, it was most important that the European Forces Bill should be considered without delay. Could not three out of the four Members who had put down instructions give way to the fourth, so that the House might have but one instruction to deal with?

MR. HORSMAN said, he wished to explain, in answer to the remarks of the noble Lord (Lord John Russell), that he did not complain of the financial proposals of the Government in regard to the national defences. On the contrary, he approved them, and came down to support them on Monday. What he complained of was that the discussion had been put off in consequence of the irregularity to which he had alluded. He maintained, however, that a Vote for fortifications was as much a part of the financial proposal of the year as any part of the Budget. It was therefore the duty of the head of the department to make the estimate, and of the Finance Minister to explain how the money was to be raised. The Government had departed from the ordinary usage in the course they had taken.

SIR JAMES ELPHINSTONE said, he thought that it was necessary to adjourn the debate in order to give time for the Government to negotiate with hon. Members who had notices upon the paper. The European Forces (India) Bill was of such importance that he should feel it his duty to address the House upon it at greater length than was usual with him.

MR. SPEAKER said, the hon. Member could not then discuss that Bill.

MR. DISRAELI: I think it is not expedient to press the adjournment of the Debate. We have placed our views on this subject before the leader of the House. I think they are substantial, and I am sorry the noble Lord has not acted upon them. But, after all, in a matter of this kind we must leave much to the discretion of the leader of this House. On a point in which the management of the business of the House is concerned I think the noble Lord, after previous communications with those hon. Members who have Motions for Tuesday, might have been able to move the Resolution which we find on the Paper—a Resolution which, under the circumstances, appears to me a very proper one. In that case he would have had no difficulty whatever in appointing Thursday for the discussion of the duties on paper. I am still of opinion that Thursday would be a much more convenient day for that purpose than Monday; but it is not clear now that the discussion would be certain to take place on Thursday. And on such a point as whether a Government measure should be brought forward on a Thursday or a Monday, although the feeling of the House upon it may be strong, I do not think it would be very courteous towards the Government to insist on their adoption of our view. I trust, therefore, that my hon. Friend will not press his Amendment, and that we shall accede to the arrangement, although I do not think it a wise one, which the Government have made for the conduct of their own business.

SIR WILLIAM MILES said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Resolved,

“That upon Tuesday the 7th day of August next, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the day having priority.”

EUROPEAN FORCES (INDIA) BILL.

COMMITTEE.

Order for Committee read.

MR. HENNESSY rose to move the Instruction to the Committee of which he had given notice. A Select Committee which he had the honour to obtain at an early part of the Session, and

Sir James Elphinstone

which had been presided over by the noble Lord the late Secretary of State for India (Lord Stanley), had investigated the whole subject of the manner in which the appointments in the civil service at home were filled up, and in their Report they recommended that the principle of open competition should be applied carefully and gradually to admissions to the entire British civil service. That recommendation was in accordance both with the feeling out of doors and with the whole current of present legislation. A few nights ago, the Secretary for India placed a notice on the paper for leave to introduce a Bill to regulate the Indian civil service, and it was then rumoured, whether rightly or wrongly, that the right hon. Gentleman intended to very much alter and curtail the system of open competition. He hoped the Government would take this occasion to contradict that rumour. In his dissent to the Bill of the Government Mr. Prinsep stated that the measure omitted to notice an important point connected with the officering of the Indian army which ought to engage the attention of Parliament. Mr. Prinsep was quite correct; and this omission rendered the Instruction he (Mr. Hennessy) had been requested to move, absolutely necessary. By the Act of 1858 for the Government of India, it was provided that one-tenth of the commissions for the Indian army should be placed at the disposal of the officers who had served in India, and that arrangement had still the force of law. But under the present Bill what would become of that arrangement? He would venture to recommend that that principle should be carried out. The system of open competition had been introduced into the civil service of India as well as into the scientific and medical branches of its army, and it had produced the most beneficial results. He, therefore, wished to see it extended generally to commissions in the army. It might be said that his Motion would interfere with the patronage and the prerogative of the Crown, but that objection had been satisfactorily disposed of by the President of the Council in a debate in the other House two years ago, when it was shown that the same objection might equally have been urged against introducing competitive examinations into the civil service. According to the testimony of the highest authorities, and amongst others the noble Viscount at the head of

the Government, and the right hon. Member for Buckinghamshire, the system had operated with perfect success. The right hon. Gentleman (Mr. Disraeli), when leader of the House, had said :—"I am a firm, though not a headstrong or extravagant supporter of the competitive principle for public appointments. As far as I am able to form an opinion, I think that principle, in its practical application, has been entirely successful." Referring to the apprehension that the power of the Crown would be too much increased by the Indian patronage, and to the fact that the middle classes, who gained India, would lose their share, he said—"It appears to me that that difficulty which has baffled some of our wisest statesmen, and the wisdom of many Parliaments, we have, in a great degree, solved by the creation and development of that very competitive principle of which I have been speaking." Surely this was a proper occasion to manifest our sense of the great advantages conferred on British India by the middle classes, and a proper occasion likewise to show our appreciation of that generous and politic principle—competitive examinations—which so high an authority as the right hon. Gentleman (Mr. Disraeli) had thus identified with the successful solution of the capital problem of Indian Government. By his Instruction to the Committee, he proposed that the successful candidates should pass through one of the military colleges, a requisition which was in accordance with the practice in foreign countries. Under the French system every successful candidate in the competition was entitled, according to his means, to the privilege of support from the State. The Prussian system differed from the French in many respects. In the Prussian system the Patronage of the Crown was very limited. The officers underwent a preliminary examination before the colonel, and the principle of open competition was adopted. The Austrian system was still more competitive than the French system, throwing open the commissions of the army to all classes, while it also recognized the principle of granting commissions to the sons of officers. The Commissioners who had investigated this subject had boldly approached the question of the expediency of throwing open the commissions in the British army to all classes by the establishment of a thorough competitive examination. Those examinations had, up to the present, been

most successful, and he thought the time had come when they should be extended. Long before the recent changes in the Government of India were thought of, Sir John Lawrence proposed that a large proportion of the commissions in the Indian army should be given by open competitive examination. In late Reports presented to Parliament the success of competition candidates, as contrasted with patronage candidates, was shown. One of these Reports—that of the Rev. Canon Mosely—gives an account of a competition at Woolwich, in which fifty-three cadets were examined together—thirty who had got into the Academy, on the average about nine months, by open competition, against twenty-three patronage-appointed cadets, who had been in the Academy for periods varying from one year nine months to two years nine months; that is to say, it was a competition of patronage-appointed candidates specially trained, chiefly in practical branches of the service, on an average of two years, against competition cadets, trained on an average of nine months. The first four places were won by competition cadets; the fifth by a nominated cadet. Then came no less than nine competition cadets, and only the last two places fell to the nomination cadets. The results of other competitions of patronage-appointed and competition candidates were similar. The usual objection to this plan was that the persons who would gain commissions under it would be of a lower social rank than those who now held them, and that this would have an injurious effect upon the army. The futility of this plea was abundantly shown by the results of recent examinations for the civil service and for commissions in the scientific branches of Her Majesty's army. Of the successful candidates in the former examination, the great majority had been educated at the universities, and of those who were candidates at one of the latter one-third were sons of clergymen, one-third of private gentlemen and magistrates, a large number sons of officers and barristers, and only 4 per cent were sons of persons in business. Considering by whom India was won, and for a long time governed, the middle classes might, in his opinion, fairly receive more than 4 per cent of the commissions in that country. Probably this was one reason why Sir John Lawrence, in a memorandum, to be found among the papers on the organization of the Indian army, recommended that a system of open competition

should be established. There could be no doubt that under the system indicated by his (Mr. Hennessy's) instruction the Home Government would be relieved of an onerous and distressing task, Members of Parliament would be saved much troublesome solicitation, and, above all, the military administration of India would be conducted with greater skill, with more economy, and, as a natural result of a higher educational standard, with a greater regard for the feelings and interests of the Native population. Indeed, recent events furnished us with the most conclusive evidence that many of the British officers, entrusted with grave authority in India, had, from an ignorance of popular customs and a disregard of national habits and traditions, given great cause of complaint and encouragement to disaffection. As long as we send out officers to India who seem inclined to treat the Natives as slaves, who seem unable or unwilling to appreciate the noble qualities of that unfortunate people, and who add the grossest military outrages and insults to the civil misgovernment and financial burdens we have imposed upon them, so long will our rule in India be a blot upon civilization. The executive barbarity, the breaches of faith, the unfeeling disregard of Eastern customs and prejudices, and the military insolence, which characterize British administration in India, might be traced, to a great extent, to the ignorance and want of ability of those entrusted with the Queen's authority. By sending out more intelligent and better educated men, something at least will be done to remedy these acknowledged evils. Another, though less important reason, influenced him in desiring to throw open the whole Eastern service, and sweep away the exclusive system of patronage. In Great Britain and Ireland there was a large number of young men possessed of good abilities, fair attainments, and an honourable ambition, to whom it would be only just that we should throw open some of the rewards to be obtained in India. On their behalf, and with an earnest desire to promote the efficiency and increase the intelligence of the Indian service, he begged leave to move the Instruction to the Committee of which he had given notice.

COLONEL SYKES seconded the Motion.

Motion made, and Question proposed,—

“That it be an Instruction to the Committee, that they have power to make provision therein that the half of all vacancies to be filled up in the ranks of the European commissioned officers of

Mr. Hennessy

Her Majesty's line or local troops serving in India be allotted to the sons or orphans of officers, line or local, or the sons or orphans of Her Majesty's Civil Service of India, who have served in India, and who shall have passed the prescribed examination, and that the remaining vacancies be filled up by open competition, the successful competitors to pass through one of the Royal Military colleges.”

MR. SIDNEY HERBERT said, he thought the Motion was not practically of a nature to carry out the excellent intentions of its author towards the Indian military service and the Queen's army generally. At present there was a certain amount of the patronage of the Indian service, one-tenth of the whole, which was to be given to the orphans of officers in the Indian army, of the Civil Service of India, and of the Queen's officers serving in India; but commissions, to be of any use to such persons, must be given without purchase, for the option of a commission which cost at least £450 was no favour or advantage to a young man without means. To meet that difficulty the Government had determined that the class he had mentioned should have, as far as possible, all their commissions, without purchase, upon entering any one of nine local regiments from which the system of purchase, as practised in the Queen's army, would be excluded; but if half of all the commissions which fell vacant in the local army or in the Queen's army serving in India were to be given to a certain class, the immense majority of those commissions would be, of course, with purchase, and therefore of no advantage to the proposed recipients. He was not an advocate for giving commissions to any particular class. The army was not made for officers, but officers for the army, and he thought a general system of entrance and promotion was far better than that of selecting a special class for a particular amount of patronage. If the attention of the hon. Gentleman had been called to the Report of the Committee on Military Organization, of which the right hon. Baronet (Sir James Graham) had been Chairman, he would have seen how few commissions were available without purchase in time of peace in the Queen's army. During times of war or anticipated war, however, they amounted to a great number. From 1853 to 1859 upwards of 3,000 commissions were given away without purchase; but previous to the late war the number of commissions disposed of without purchase was not more than, upon an average, sixteen per annum,

and in some years it fell as low as three. Of such commissions a considerable number must be given to non-commissioned officers who had earned their rank. If the hon. Member's Motion were agreed to, an enormous proportion of commissions would be given to the class of persons mentioned, as compared with other classes; and again they would be of no advantage, as the great majority of commissions by purchase would not be available for orphans or persons in distressed circumstances. The hon. Member had read a number of extracts in favour of open competition, but the object of his Motion was to limit the amount of competition.

Notice taken that Forty Members were not present. House counted, and Forty Members being present—

MR. SIDNEY HERBERT resumed: At that late period of the Session he did not expect that any hon. Gentleman would seek to deprive the Government of another day in the progress of business. The Government were maturing a plan for a better arrangement under which candidates having passed the Military College could obtain those commissions by purchase, after a successful competitive examination. In those arrangements the most scrupulous regard would be paid to the officers in the Indian Civil Service as well as to those in the Queen's army. Under those circumstances he trusted that the House would reject the proposition of the hon. Member for King's County.

COLONEL SYKES said, the right hon. Gentleman, on a former occasion, had pooh-poohed the question of promotion in the local army, and now, to his surprise, he had endeavoured to induce the House to believe that it would be of no advantage to the sons of officers in the Indian service to have a right of nomination in consequence of their birth. The right hon. Gentleman seemed to forget that there were 4,980 European officers now on the list of the local army; and it would require 300 gentlemen a year to supply the vacancies which occurred in that number. The late Court of Directors, with a generous consideration for the claims of old servants, military and civil, and for the sons of Royal officers who had served in India, used to allot about three-fourths of their patronage in satisfaction of these claims. And what was now the prospect of these 4,980 officers? One-tenth, that is to say, about thirty appointments were annually to be allotted to the sons of those

officers. [MR. SIDNEY HERBERT: About twenty.] It appeared that there were only twenty allotted to them, so that the injustice was even greater than he had at first supposed. Well, the officers in India now got their commissions without paying anything for them, and yet the right hon. Gentleman sought to make the House believe that the increased number to be allotted, as proposed by the instruction to the Committee, would be of no advantage to the orphan sons of officers—although it insured them Commissions gratuitously. The Royal army was just as much interested in this question as the local army. Upon the score of humanity even he trusted that the House would concur in the proposition of the hon. Member for the King's County.

MR. MONCKTON MILNES said, he wished to read the protest of a member of the Indian Council, Mr. Willoughby, against some statements which had been made in that House:—

“Excluded from Parliament they have no means of defending themselves, even when unworthy motives are imputed to them. They have been charged with a lust of power and a greed of patronage. Strange that the gallant officer, who stated in Parliament that it was simply a question of patronage, should not have felt how he exposed to a similar retort those who advocate amalgamation. I am satisfied, however, that there is not a single individual in the council who would not willingly relinquish the so-called patronage, and I would suggest the following mode for carrying out the object:—Let the number of cadetships now distributed by the Secretary of State in Council among the sons of persons who have served in India, in the military or civil services of Her Majesty or the East India Company, be increased from one-tenth (Clause 35, 21st and 22nd Victoria, cap. 56) to one-third or such other proportion as may be deemed expedient, and let the remainder be open to public competition into the Royal Military College at Addiscombe.”

This was the declaration of one of those who were accused of unworthy motives in their attempt to uphold what from their knowledge and experience they believed to be the interests of India.

SIR DE LACY EVANS said, he had hoped that the right hon. Gentleman the Secretary for War, after the strong language he had made use of, would have remained in his place until the conclusion of the debate. For himself he felt bound to support the proposition of the hon. Member for the King's County. It was a very remarkable circumstance that they had heard that night, for the first time, from the Secretary of State for War, the word “purchase” introduced with regard to the

Indian army. Not a word had been said about purchase before. Now they knew that the head of the English army was a determined supporter and promoter of the system of purchase, and that distinguished and illustrious personage was the most prominent in promoting the Bill which was now before the House. He should be sorry to use any strong language with respect to the Secretary of State for India, or the Secretary of State for War, because he believed them more worthy of commiseration than of indignation. He believed they were compelled to take the course they did by a powerful influence which they felt themselves unable to resist. The Indian Secretary was chargeable with inconsistency in this matter, for whereas he had, at a comparatively recent period, brought forward a Bill providing for a local army in India, he now was advocating a Bill which wholly set aside former legislation. The right hon. Gentleman said the gravity of the mutiny in India had compelled the Government to forego their intentions. Gentlemen who were induced with difficulty to interest themselves in Indian questions supposed that he might be right, there being no papers for their guidance. Certain pertinacious persons, however, persisted in demanding these papers. The noble Viscount—who he was glad to see was indulging in a nap as he required it—administered the most jocose rebuke to the right hon. Gentleman (Mr. Horsman) for his peculiar pertinacity; but, whatever objections might be urged to certain expressions which had escaped the right hon. Gentleman, those who had the interests of India at heart had some reason to feel obliged to him for the course he had pursued. It was suggested on the part of the Government that their patronage and that of the Horse Guards should be waived and a college should be formed. But the question was, who was to permit persons to enter the college? Why, the Commander-in-Chief. And then the country was told that there was no patronage at all? Why, it was a trick and a delusion. He was in favour of the competitive system. In the Royal Commission on the Purchase System Lord Panmure and the Commander-in-Chief expressed themselves very doubtfully as to the eventual results of competition; and the supporters of the competitive system felt that when two persons of such high position and authority spoke in this way it was questionable whether the system would be maintained. But

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somehow the Members both of the late and the present Government listened to the representations of the examiners, and after a year or two it was admitted that the system had answered extremely well. The Earl of Derby, he believed, stated in the other House that only one appointment made on the competitive principle had proved unsatisfactory. Some persons at first were horrified at the notion that Commissions would be obtained by young men who had nothing in their favour except that they were rather clever; and such persons appeared to think that cleverness was not an adequate qualification. It turned out, however, that those young men were not only clever, but well-conducted, and were competent, both physically and mentally, for these appointments. He thought, therefore, that unless the right hon. Gentleman the Secretary for India could bring forward a stronger case than had yet been urged, the general scope of the argument of the hon. Member (Mr. Pope Hennessy) could not be objected to. The Secretary for War had made a remarkable observation. He said that it had been contended that the officers of the local European forces in India were of a different class from those who composed the officers of Her Majesty's army, but that he did not believe a word of it. That was a strong expression considering that the right hon. Gentleman had had no practical experience of either army, but he (Sir De Lacy Evans) had experience of both, and insisted that there was a considerable difference. He had referred to the Army Lists, and while in the Indian army he only found five names of "honourables," in Her Majesty's army there were 200 or 300 peers or sons of peers among the officers. There was also a large infusion of the aristocracy of wealth as well as of blood. Then came back the original question, was it wise to put an end to that body of middle-class officers who had rendered such good service in India? The Resolution of the hon. Member might be open to question in details, but upon the whole it was one to which he (Sir De Lacy Evans) should give his support.

SIR EDWARD COLEBROOKE said, he also would give his cordial support to the Motion of the hon. Gentleman opposite. The legislation on which the right hon. Gentleman, the Secretary for India, had embarked, was of an unexampled character. The Government plan was very wide and large; especially that portion which

provided that the troops of the local Native service should be officered by a selection from officers of the Line. He thought the gravest objections were opposed to that proposition; but as he had already pointed them out to the House, he should not repeat them on the present occasion. The Bill would interfere with the existing law, not merely by giving large additional patronage to a department in which the public had not the utmost confidence, but by interfering with the status and position of officers of the Indian Army, notwithstanding the guarantee of 1858.

SIR CHARLES WOOD said, he could assure the hon. Gentleman that the Bill, if passed, would not at all affect the guarantee contained in the Act of 1858, and never had been intended to do so.

Question put—

The House *divided*:—Ayes 15; Noes 73: Majority 58.

SIR JAMES ELPHINSTONE said, he rose to move that it be an Instruction to the Committee that they have power to make provision for the future regulation, discipline, and patronage of the European forces serving in India. The terms of his Motion were purposely ample to embrace all the aspects of the question he wished to bring under the notice of the House. He was far from wishing to embarrass the House by making a longer statement than was necessary; but he was of opinion that the attention given to Indian subjects by that House was hardly commensurate with their importance. He had endeavoured to improve what little personal experience he had on the subject by reading carefully all the papers which had been brought before Parliament on the subject, and if it had not been for the paucity of information, he should not have presumed, sailor as he was, to have taken up the question. In reading the various Minutes which had been drawn by the most distinguished Indian authorities on this subject, he had been struck with the great moral preponderance in favour of maintaining a local force in India. In particular he had read the able Minute drawn up by Mr. Willoughby, and generally adhered to by the Members of the Indian Council, which he believed to be the most exhaustive treatise on the subject which had been laid before Parliament. The first paragraph related to the danger which India would run under the new system of being denuded of troops at a season of Imperial emergency. The Secretary of State for India might say

that there was no chance of this ever happening, but it had happened in the Crimean war, when troops were withdrawn from India and never replaced. Many of the disasters attendant and consequent on the annexation of Oude were attributable to that cause. Mr. Willoughby next brought forward the sanitary considerations which rendered it advisable that India should always be garrisoned by soldiers inured to the climate. His own experience enabled him to say that this was of vital importance. He had seen a regiment landed from England in a first-rate state of efficiency decimated within a few weeks of its arrival by the effects of the climate. He well recollected the frightful visitation in the neighbourhood of Bangalore, when almost the entire wing of an European regiment was lost on its march from Bangalore to Madras. The 78th Regiment, in its march from Kurrachee to Moultan, lost 2 officers, 25 sergeants, 9 drummers, 439 men, 47 women, and 169 children. The same thing had happened in China, where troops from England had suffered immensely, while the local Europeans had not lost a man. Mr. Willoughby's next reason referred to the fact that until very lately there had been scarcely a dissentient voice against the plan of a local European army. Lord Clyde, General Mansfield, and General Grant were of that opinion not very long ago, and it certainly behoved those Gentlemen to come forward with some more cogent reasons than any they had yet assigned for the change which had taken place in their opinions. Among those who were still in favour of a local force were three Governors-General, the Earl of Ellenborough, the Marquess of Dalhousie, and Earl Canning, Lord Harris, Sir Henry Somerset, Lord Stanley, Sir James Outram, Sir B. Frere, General Vivian, Sir J. Laurence, General Birch, Colonel Baker, Colonel Sir Philip Melville, Colonel Green, Colonel Durand, Mr. P. Grant, and Mr. Ricketts. Sir James Outram, in the Minute which he had drawn, alluded to this change of opinion, and expressed a hope that the recent conduct of the local European troops—which he presumed had had considerable influence in producing the change of opinion—would be fully explained by the Secretary for India when the subject was discussed by Parliament, so that no Member of either House might give a vote to the prejudice of the existing army under an erroneous impression as to

their language and conduct. Sir James proceeded to point out that the noble Lord at the head of the Government, when the Bill transferring India to the Government of the Crown was under discussion, treated it as a matter of course that the men would have their discharge offered them. He carefully guarded himself against admitting the propriety of their claim; but he felt that, considering the difference of legal opinion on the subject, there was considerable excuse for the men regarding the statements and opinion of the Attorney General as the quibbles of a lawyer. Mr. Willoughby's next reason was because he did not see how any amalgamation could be effected without raising discontent among the local European troops, and violating a second time the conditions on which they enlisted. It was stated in a General Order, dated June, 1859, that the sole change would be in the designation of the troops; that they would be deemed the Indian military forces of Her Majesty; and that the previous terms under which they enlisted would be carefully observed. It was supposed in this country that the local Indian army was annihilated; but the fact was that 22,356 men and officers of that army were still left, and the question arose what was to be done with them. The next reason of Mr. Willoughby was, because the Royal Engineers were not adapted, while the local Engineer corps were especially adapted for service in India both in peace and war, and because to relieve 80,000 troops every ten years would entail an intolerable burden on Indian finances. He thought that when they came to look at the plan shadowed out by the Government, they would be convinced it would throw an enormous expense upon India. There would be 8,000 relieving and 8,000 relieved men continually at sea every year. There would be 5,600 recruits to meet deaths. There would be 4,000 invalided, or whose time had expired; and there would be 4,000 going to relieve them—so that there would, in all, be 29,600 men *hors de combat*. But, moreover, a regiment brought home bodily from India would be of no use for twelve months. Supposing a regiment during cold and wet weather, like that of the present summer, were landed at Portsmouth, and were sent to Aldershot, the whole of them would be very soon on the sick list. On the other hand, a regiment proceeding out to India direct from this cold climate would for some time after their arrival be completely

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disorganized. Until the plan of the Government was tested by experience, it was impossible to say what the number of non-effectives would be. Mr. Willoughby's next reason was because no plan or scheme had as yet been devised by which amalgamation could be effected without a violation of the Parliamentary guarantees made to the Indian army in Clauses 56 and 58 of the Government India Bill of 1858:—

"The first of these clauses secured to the officers of the Indian army 'the like pay, pensions, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the Company.' The second clause guaranteed 'any claims to pension, or any claims on the various annuity funds of the several Presidencies in India,' which an officer might have had previous to the passing of the Act; and the proper interpretation of these clauses was given by the then Prime Minister, the Earl of Derby, when he introduced the India Bill into the House of Lords, on the 15th of July, 1858, and explained, that 'the Bill provides, as far as it refers to individuals and bodies, that they shall have reserved to them all the rights, privileges, and expectations which they were led to form at the time of their admission to the service.'"

He should be very sorry to see the army of India handed over to the tender mercies of the right hon. Baronet the Secretary of State. He belonged to a branch of the Company's service which was reduced in 1833, and he retained a very lively recollection of the manner in which he was treated. He was driven from a very high point in that service, a fund to which he had paid nearly £3,000 was confiscated, the pensions to widows were withdrawn, although that did not so much matter then, as he was not married; he was put upon a pension of £200 a year, the junior officers were sent adrift with but scanty compensation, and for years he contributed to the support of the warrant officers of the ship to which he belonged in the Poplar workhouse. With that experience the right hon. Gentleman would excuse him for not wishing to hand over brother officers to the tender mercies of Her Majesty's Government, for he was convinced that faith would not be kept with them, that they would be treated according to the whims of the fluctuating majority of the House of Commons, and that, probably, any one rising to defend them would address a number to whom it would be the duty of some hon. Member to call the attention of the Speaker. Mr. Willoughby's next reason was—

"Because it was a great object to secure for service in India, not only in a military, but also

in a civil and political capacity, a large body of officers, who going out young became attached to India, and, entertaining no views or expectations beyond India, were induced to make themselves intimately acquainted with the manners and customs of the country, the languages, peculiarities, and even prejudices of the various tribes and peoples who inhabit it."

This was the most important point of the whole controversy. They might depend upon it that a man who had enjoyed the luxuries of the Junior United Service Club would not settle in India in the same way as a boy, who uncontaminated by the society of this country, looked to India as the field in which he had to gain his spurs, and to the Natives as the subjects whom it was his birthright to govern. He would adduce in support of this statement the evidence of an officer whose name was an honour and a credit to his country, and who was not born with a silver spoon in his mouth—Sir James Outram. Sir James Outram said—

"Hitherto the officers had been mainly derived from the middle classes of England. They came out healthy, ingenuous youths, ignorant of the enjoyments and dissipations of life, and full of expectations of a country which was to be their home for the next twenty or thirty years. On their arrival they were drawn into contact with people who had acquired knowledge of the Natives, their language and religion, and of civil and military affairs. From them they took their tone, and really became ambitious to acquire a thorough knowledge of the country and its concerns. They were thrown into intimate intercourse with the Natives, and learnt to feel a friendly interest in them. They were thus enabled to remove many misapprehensions from the minds of the Natives, and to win their affections by redressing their wrongs and giving them practical aid in a variety of ways."

The present system was, perhaps, an anomaly. Officers, it was true, were not always present with their regiments. One might be found superintending some great work here and another there. It was, however, scarcely fair or consistent for the right hon. Gentleman (Sir Charles Wood)—one of whose colleagues in the Cabinet was at Pekin and another at Toronto—to find fault with a practice in which the Ministers themselves indulged. Mr. Willoughby also adduced as arguments against the change, that it would injure the *morale* of the Native army, diminish the authority of the Governor General, and overwhelm with work an already overburdened department at home. When they reflected on the wide and complicated nature of the military administration of India, involving the direction of three local armies under separate heads, the transport

of troops to and from India, and a vast amount of other arrangements, it was obvious that it was utterly impossible for the Horse Guards, already fully occupied with the superintendence of the Queen's army at home and in the Colonies, to discharge these additional duties with credit or success. The tendency of the change would be to create a central bureaucracy of the most objectionable kind, which would paralyze the whole empire to its extremities in Asia, and might prove fatal to its very existence. Mr. Willoughby pointed out, further, that the division of authority between the Governor General and the Secretary of State for India was best adapted to check the abuse of patronage, and that it was essential to the good government of India that first nomination to the service and subsequent promotion should not be vested in the same hands. Sir Charles Trevelyan, who was a great authority with hon. Gentlemen opposite a short time ago, if not so still, and who was really an able, though sometimes an imprudent man, remarked,—

"The weak point of the Horse Guards is in reference to the higher class of Staff appointments, which is called in England valuable patronage; but here the India rule that all Staff appointments are to be at the disposal of the local Government provides a satisfactory remedy."

The next argument used by Mr. Willoughby was that the proposed change would remove the check at present imposed on the tendency to incur excessive military expenditure on account of India, and to cast undue charges upon the Government of that country. He himself could regard the proposition now made only as the first great step towards an arbitrary mode of government by means of the extensive patronage which would be placed at the disposal of the Government. The patronage of the military service of India, of the local uncovenanted service, of the numberless appointments which would spring up in every direction as India became more civilized and the means of communication were multiplied, would place an engine in the hands of the Government which might be wielded for the most dangerous and arbitrary purposes.

Had this Bill been brought in at an earlier period of the Session, there would have been time carefully and deliberately to consider it, and nothing would have induced him to act an obstructive part. But, having wasted their time in the consideration of abortive treaties, of a Reform Bill

which was intended only to be talked about and banded from one side of the House to the other, of a financial scheme which had broken down from point to point, they were asked at the fag-end of the Session to decide this great and important question, which involved the permanence of our Empire in the East, and to expose the military administration of India to the influence of a fluctuating Parliamentary majority. Another of Mr. Willoughby's reasons against the change was that the officers and men of the local army fraternized more with the Natives than the constantly shifting troops of the Line could do. He had the authority of Sir James Outram for saying that the ages of officers in the army who went to India averaged from 28 to 38—a period of life when their habits and prejudices had become fixed, and when they could not adapt themselves to Indian life, or acquire fresh languages, as well as they could have done at an earlier age. Thirty years ago, as a youngster, he had had some experience in the transport of Queen's officers, to India. He knew that a great improvement had taken place among them as a class since then; but he recollected that on one occasion, about the year 1824, out of a batch of twenty-two officers, only two or three were under 40 years of age, and only a couple of them could sign their own names. Of these two one had been a midshipman, and the other had been at Sandhurst. There could be no doubt that the amalgamation of the two forces would tend greatly to unpopulize the Queen's service, and would prevent many men from joining it. There was a great number of men who went into the Line for the mere purpose of amusement, and of getting a certain knowledge of accounts and of the management of affairs, which enabled them, when they came into their estates, to become useful and agreeable members of society. None of these would relish the idea of Indian service. But there was no such class in the Indian army. The officers there went out to India to work, and had no idea of living luxuriously at their clubs, or of shining in the fashionable world. He agreed with Mr. Willoughby also in believing that the present time was the least opportune that could have been chosen for such a change. The time was badly chosen for forming a new body of from 5,000 to 7,000 officers. Sir Bartle Frere, a high authority, had written a

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short Minute on this question, in which he showed that the local European army had not been the creation of any individual soldier or statesman, but had grown up with the growth of our marvellous Indian Empire, that it would be inconsistent with a wise and prudent policy to supersede it by the present scheme, and that the outbreak of the mutiny, which was quite as likely to have occurred under the management of the Horse Guards, was not sufficient for the proposed change. Officers high in Her Majesty's service had assigned the indiscipline of the local regiments as a reason for doing away with them. Now want of discipline was comparative. He had himself seen at one and the same station a Queen's regiment which was a perfect disgrace to the service, and whose barracks were at night a perfect pandemonium of drunkenness and debauchery, and another Queen's regiment than which no body of troops could be finer or better ordered. He witnessed the 13th Regiment march into Bombay after the events at Jellalabad, and never in his life did he see, nor was he, perhaps, ever likely again to see, such a regiment. There would always be contrasts between the state of different regiments, and therefore there was no weight in the argument attempted to be drawn from that circumstance. For himself, he had never heard but one opinion expressed by Sir L. Cole and many other competent Indian authorities on the good discipline of the local European force. He thanked the House for the great patience with which it had listened to him. He humbly hoped that the delays which would be interposed to the passing of this measure would be successful, and that the Government would accept the advice of those who regarded this as a question of conscience, of deep and awful responsibility; that they would take time to send out to India for the purpose of assuring these 5,000 officers that they would be fairly and hourly dealt with; and that the great settlement so recently come to would not be destroyed piecemeal, or alterations, of which no man could see the issue, be introduced into the foundations of our Indian Empire.

Motion made, and Question proposed,—
“That it be an Instruction to the Committee, that they have power to make provision therein for the future regulation, discipline, and patronage of the European Forces serving in India.”

SIR DE LACY EVANS (who was imperfectly heard) said, if there were any

irregularity in his again addressing the House, the blame was due to the manner in which the Government, relying on the indifference of Parliament to such questions, particularly at that period of the Session, had sought to carry through this most important measure. They were now near the end of July, when a great number of Members were doubtless anxious to enjoy their shooting. The House, in his humble opinion, had not displayed the decorous dignity which became it on so grave a subject as a question of India. When the Minister for India introduced the Bill, he had hardly finished his statement when 200 Members went away from the House, leaving the debate to be carried on by some dozen or two Members, who, having either been in India or taking a strong interest in this matter, desired to give it proper discussion. The same thing was repeated night after night; and if anybody called attention to the fact that there were not forty persons present, then the Ministerial train-bands were brought in to keep a House from some place hard by—he knew not exactly where, although, doubtless, it afforded them more agreeable employment than taking part in the business of the country. This convinced him forcibly of the truth of a sentence in a letter from the Duke of Wellington to his brother, the Marquess of Wellesley, in which that great commander observed, “The real truth is that the public mind cannot be brought to attend to an Indian subject.” He did not, however, think the Government would have so far presumed upon the indifference and comparative ignorance of the House on this question had the Bill been introduced early in the Session. The right hon. Gentleman the Secretary of State for India had told them that the authorities for and against the amalgamation of the armies were pretty equally balanced; that he had himself been long undecided on the point; but that he had now made up his mind to do exactly the reverse of what he did in August last. The right hon. Gentleman had forgotten to tell the House in any clear and satisfactory manner how he came to change his views. The public out of doors entertained a tolerably decided opinion that the initiative in this matter came not from the right hon. Gentleman himself, nor perhaps from his colleagues, but from a higher source. The House had been treated unfairly by the right hon. Baronet and by the noble Lord at the head of the Government with regard to the pro-

duction of papers. They had been assured by the noble Viscount that if they passed the second reading of the Bill the papers which were asked for would be produced at the next stage. But what had subsequently taken place? It was said the papers were very voluminous, numbering 800 pages, and on the morning of the day, when the next stage was to be considered, an instalment of those papers only was given, and the House was forced into a discussion of the Bill. The right hon. Gentleman had thrown out hints that the change which had taken place in his opinions, and the opinions of some of the general officers, was owing to some very grave and terrible mutiny which had taken place, and that there were considerations of such gravity connected with that mutiny that it was desirable that the local force should no longer exist. He thought he would be able to show to the House that no such great mutiny as had been hinted at had taken place. Lord Clyde had acted most judiciously in regard to this matter. He suggested to the Governor-General to appoint a Committee to inquire into the subject, and on that occasion the men came forward, and in a most respectful manner stated what were their grievances. Earl Canning had distinctly stated that the statements made by the noble Viscount had a very great effect in causing the outbreak in India. General Sir Charles Stewart also, writing to the Commander-in-Chief, said that many of the men grounded their claims on part of the speech of Viscount Palmerston. The same fact could be abundantly proved from the petitions of the men themselves, in which these petitioners alleged that Lord Palmerston had stated in Parliament that “any soldier who did not choose to come under the new regulations would of course be entitled to his discharge.” As to the charge that the mutineers intended to make common cause with the Sikhs, what was the fact? The Government in their alarm caused the letters of the private soldiers to be stopped in the post-office and examined, and there they found a letter from some foolish fellow, saying that if their grievances were not redressed they would unite with the Sikhs. But if the letters of soldiers, or even officers, in this country were examined, many foolish expressions would be found in them. There were, perhaps, one or two letters from soldiers to their sisters in Tipperary or Kerry, complaining of their treatment, and those

letters were paraded as proving that grave discontent existed. Lord Clyde was reported to have stated that no officer of the local army was fit to be intrusted with a command; but he would not believe, until he heard it from Lord Clyde himself, that so distinguished an officer had uttered any such expression. At the present moment several Indian officers were commanding divisions with the highest approval of the Government, and if Lord Clyde had really made the statement attributed to him Earl Canning had met it in the most unanswerable and decisive manner. He was astonished that Ministers should seek to carry a Bill through Parliament by disparaging the character of their own military officers in India. Their depreciatory remarks were in striking contrast to the glowing eulogium passed by Earl Canning upon the heroic conduct of that portion of the Madras army, the Fusileers, which was actively employed in the suppression of the mutiny. Lord Clyde, on leaving India, thanked in handsome terms the officers and soldiers of the two services for their gallantry, endurance, and discipline. What had been the conduct of the authorities in this country with regard to those troops which were disbanded in India and sent back to England? Why, as soon as they arrived here recruiting sergeants invited them most zealously to join the British army, and he found there were at Woolwich, at the present moment, a thousand of these men whom the Secretary at War described as disloyal and unworthy to be in Her Majesty's service. Under these circumstances he thought the Government were bound to bring forward more substantial reasons for the course they pursued. With regard to the question of patronage, the opinion of the Marquess of Wellesley was thus recorded:—

"If the King's Commissioners for India and the Court of Directors should at any time agree to co-operate in filling from home all official vacancies which shall occur in India, it is evident that the result of such a combination might be the transfer of the whole local patronage of India, or of a certain share of it, to the Crown. Whatever share of the patronage of India should be obtained by the Crown in this manner would be exercised in the most dangerous and objectionable form, for as the appointments to office would be made in an indirect manner, and through several successive channels of authority, no direct responsibility would attach to the Ministers of the Crown; and the influence of the Crown might become considerably extended through a secret and unobserved course, and without the possibility of public control. Such a system would be

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sufficiently objectionable, even in its application to the public and constitutional interests in England; its application to the public service in India is, however, infinitely more perilous."

He thought this bore a distinct reference to what was proposed to be done. The course proposed would open up the most enormous field of patronage in the world, and was therefore most objectionable, not only in respect to India but this country.

SIR MINTO FARQUHAR said, he felt great interest in the subject, and a careful examination of the papers which had been laid before the House, led him to believe that the reasons which had been stated by the Secretary for War as those which had induced him to change his mind since the 10th of August last year were most unsatisfactory. He regretted the right hon. Gentleman the Secretary for War was not then in his place, because in the course of a speech which he had made on the Bill before the House, he brought a serious charge against the local European forces. In concluding that speech the right hon. Gentleman drew a comparison between the conduct of certain regiments which had lately gone out to China, under the command of Sir Hope Grant, and those in the service of the East India Company. The officers of those regiments were in the receipt of Indian pay, whilst the men were not, and the latter believing Indian pay to be their right, represented the case to their officers, who promised to refer it to the proper authorities. Now the right hon. Gentleman stated that in that case there was not the slightest discontent or dissatisfaction; that the representations were made by the officers to the proper authorities; and that the latter decided that the men had a right to Indian pay, which was at once generously granted to them. That was the instance which the right hon. Gentleman had compared with what had taken place in respect of the local European forces in India. Well, what had happened in the case of the latter? When the Government of India was transferred to the Crown, the men naturally supposed that upon that event they would be allowed their discharge, or a bounty on re-enlistment and they had been encouraged to suppose so by a statement made in this House by the noble Lord at the head of the Government. But disappointed in that expectation, they did exactly what was done by these regiments in China—they made known their complaints to the commanding officers. It was notorious that the opinion of the

Commander-in-Chief and the Chief of the Staff was in favour of the men, but the Advocate General and Lord Canning determined that their claim was not a valid one, and this decision was confirmed by the opinion of the legal authorities at home. Was this a parallel case with that cited by the War Secretary, in which the men got all they asked for, while the local army in India, though the Commander-in-Chief was on their side, found their claims rejected on the strength of a lawyer's opinion? In the papers which, after much delay, had been placed on the table of the House, there was abundant evidence that all the best authorities in India were of opinion that the men only asked what was their due. In a despatch from Lord Clyde to the Military Secretary of the Indian Government, dated November 10, 1858, it was pointed out that in the attestation of a soldier on joining the Indian army he was asked whether he would serve the East India Company only, and that no alternative of serving the Crown was apparent. Nothing could be more clear and distinct than the opinion of the Commander-in-Chief upon that point. Many officers had stated that the dissatisfaction arose from the men being refused any bounty, and being transferred from one service to another without any proper explanation being vouchsafed to them. There could be no doubt that there had been great mismanagement, which had cost the country an enormous sum of money. These very men who had accepted the discharge offered to them, had been equally invited to re-enlist upon their arrival in this country. He was informed by a gallant Friend near him that there were 600 men now at Woolwich who had been re-enlisted from the Indian army, and those men were amongst the best at that station. To found the Bill before the House on what was now said to be mutiny of the worst character, but which was called discontent in the blue-books laid on the table, and represented as more in the character of a strike in the speech of the Secretary of State for India on the 10th of August last year, was absurd. He had been told by persons come home from India, that if the men had had a sovereign a-piece given to them to drink the Queen's health, accompanied by a few good words, the matter would have been settled quietly, and nothing more would have been heard of what had been miscalled a military mutiny. He was exceedingly surprised at the sudden change

of opinion that had come over the mind of the right hon. Gentleman the Secretary for India upon this subject—a change which, up to the present moment, he had not attempted to explain. The blue-books showed the inconsistency of the statement that the mutiny had been the cause of this Bill. The dates of the public documents contained in them contradicted such an impression. The fact was, that the men in India were induced to avail themselves of the excuse which their change to the Queen's forces gave them to get home to England to see their wives and families, believing at the same time that they would most probably be re-enlisted, as had been the case in many instances. There was not mutiny, but discontent shown that they should have been handed over like bullocks or other chattels as they expressed themselves from the service of the Company to that of the Crown without bounty and without proper explanation. Lord Clyde had himself borne testimony to the brilliant services of the officers of the local European army in upholding the honour and dignity of the English name in India. The colours of one of the Bombay regiments bore the names of ten battles; those of a Madras regiment thirteen battles; and those of a Bengal regiment twelve battles. The 1st Madras Fusileers were selected by Sir Henry Havelock to lead the van of his army. They captured Cawnpore, and worked their way to Lucknow; and these were the men who, standing shoulder to shoulder with their gallant comrades of the Line, had with them successfully put down the mutiny of the Native Indian Army. He should certainly support the Motion of his hon. and gallant Friend the Member for Portsmouth.

MR. ROEBUCK said, as this was a very important question, and as many hon. Gentlemen were anxious to speak upon it, while Ministers had not yet done so, he begged to move the adjournment of the debate.

VISCOUNT PALMERSTON: I certainly will not make any opposition to the Motion, finding the debate cannot finish to-night. I can only state that the duty of Ministers is to sit here and listen to any speech which any hon. Gentleman may make, and to any extracts with which they may favour us from the papers before the House. Of course, when an hon. Member is at a loss for any further argument, it is natural that he should eke out his speech by read-

ing. I wish it, however, to be clearly understood that we attach great importance to this Bill; that our patience is inexhaustible, and that we shall be quite prepared to sit here till Christmas in order to get it through.

MR. HORSMAN said, he regretted the spirit in which the noble Lord had met the Motion for the Adjournment of the debate. He might possibly find himself met in the same spirit, as those who were opposed to the Bill were equally endowed with patience to sit till Christmas. Moreover, while it was not unusual for hon. Members to read extracts, it was no less common to find Ministers, when at a loss for argument, resorting to jests. He could, however, assure the noble Lord he would find great difficulty in jesting away the opposition to this Bill. The earnestness of its opponents would not be defeated by his levity. The noble Lord said the other night, in introducing a measure to that House, that serious matters ought not to be treated with levity, and he therefore, hoped, with regard to this Bill, the noble Lord would now practice what he then preached. The noble Lord said the Government attached much importance to this Bill, that their patience was inexhaustible, and that they would sit till Christmas to carry it through Parliament. Would the noble Lord tell the House what particular interest it was intended to gratify and promote by passing this Bill? Who wanted the Bill? Who asked for it? Who would make it necessary for them to sit till Christmas? Would the noble Lord answer those questions? The House had seen some of the greatest questions that could be submitted to their consideration, one after another, thrown aside—questions on which the Government had come into office, and to which they were committed, abandoned; while office, contrary to all precedent, was retained. Was such a thing ever before known in the history of Parliament? ["Oh, oh!"] Yes, they had had quite enough of that. There was no such intolerance as when a Liberal majority abetted a Ministry in overriding the forms and practice of the House. That tyrannical majority had accomplished great things this Session; but if they thought that in July they were quite as strong and irresistible as in the month of February, the opponents of this Bill would show that they were somewhat mistaken. They had now come to a very serious point in this matter. This was the

Viscount Palmerston

26th of July, and the noble Lord told them, with that light bombast by which he knew so well to throw over a great question, that they would sit there till Christmas. He had said so before. Did he not say so the other night with regard to the Bankruptcy Bill brought in by the Attorney General? Did he not tell them that the patience of the Government upon that subject was also inexhaustible? Was not that a Bill for which the whole country was looking? Was not that a Bill of enormous importance to all their constituents? And yet, while one day the noble Lord said the patience of the Government was inexhaustible, the next week he abandoned it, as he abandoned the Reform Bill, and every other Bill when he found the numerical majority was against him, and yet continued to retain office. He did not, therefore, attach much importance to the statement of the noble Lord that he was prepared to sit till Christmas in order to pass this Bill. With all respect to the noble Lord, on whose honour and veracity he wished to place the utmost reliance, he did not give much credit to that statement. He, therefore, repeated to the noble Lord that, on this question of the Indian army, they had been treated in a manner of which, he would venture to say, the noble Lord's own official experience of fifty years, under every different sort of Administration, furnished no precedent. The noble Lord would find no precedent for it in the Administration of Viscount Melbourne, in the Administration of Earl Grey, in the Administration of the Duke of Wellington, in that of Lord Liverpool, in that of Lord Castlereagh, in that of Mr. Addington, or in any previous Administration to which, during a long series of years, the noble Lord belonged. But they were not prepared to be overridden upon this, one of the greatest questions which had been brought before the House, affecting the retention of the Indian empire by the Queen; a Bill being brought in of a single clause, an abstract Resolution—a dodge, he must call it, to avoid submitting any plan to the House—he repeated that on a question involving the retention of that great empire, won by the valour of so many heroes, and retained by the wisdom of so many statesmen, they were not prepared to jeopardize all this because the noble Lord cared nothing for the public interests in comparison ["Oh, oh!"]—he repeated it deliberately—he said in comparison with that peculiar influence to which on that occasion he would

not more particularly allude, and which made him so desirous to pass this Bill. The noble Lord was determined to force this Bill through the Commons and through Parliament, while, as far as they could see, no one in the House desired it—no one in India desired it; the whole Indian Council was against it; all the best authorities were against it. It had been introduced without notice. Information had been kept back. No plan was produced; only the noble Lord said his patience was inexhaustible, and he would sit there till Christmas in order to carry it through. Well, now, the House of Commons and the Ministerial majority had shown themselves capable of great things; where there was a party with no great knowledge, and no strong convictions, they were not likely to have any very great scruples; and, as he believed nineteen out of every twenty of that majority had not read the papers, or taken any pains to inform themselves on the question, but were ready to go into any lobby into which the hon. Member for Lewes might invite them, he, for one, would say that he would not bow to any tyrannical majority—he would yield to reason, but he would not be overborne by force; and he promised the noble Lord he would find it very difficult, unless he substituted argument for jests, to compel them, even if they did sit till Christmas, to pass this unconstitutional and unprecedented measure which he was endeavouring to force down the throats of the House of Commons.

MR. MONCKTON MILNES said, he hoped Her Majesty's Government would believe that those of their followers who never differed from them except with great pain, and under circumstances of great difficulty, in opposing, as far as the forms of the House would admit, this Bill for the abolition of the local army of India, were actuated by a real desire for the public good, as far as their knowledge and experience enabled them to judge. It was a question not to be voted on without thought or reason, and therefore he trusted hon. Members would study the valuable papers which had been placed upon the table, and then, if they sat till Christmas, he firmly believed the discussion which took place would only tend to make every division more adverse to the measure introduced by the Government. It merely gave the Government power to do something else. What was that something? Let the Government say distinctly what this was

to lead to, what was the real object and meaning of the measure, and what substitute they proposed.

MR. J. B. SMITH said, that he did not wish to offer any factious opposition to a measure which, in his opinion, was the most important which had engaged the attention of the House during the Session, but, having listened to the arguments which had been adduced with reference to the proposed amalgamation, he must confess they appeared to him to be all on one side. The noble Lord (Lord Palmerston) had taunted hon. Members who were opposed to the scheme with reading extracts, but he could hardly be aware, when he did so, of the effect which the statements contained in those extracts had produced. The fact was that the House, worn out as it was at the present late period of its labours, had not time to devote to the acquisition of a thorough knowledge of the papers which bore upon the question, and that not one out of every twenty of its Members had read them with any degree of attention. Having left the House with only twenty-one Members in it when the second reading of the Bill was under discussion in order to procure some refreshment, he had found on his return that there were 200 present, that number having, when the division took place, increased to 400, the great majority of whom had not listened to the debate, and knew nothing of the subject on which they had voted. Since then, however, in consequence of the statements which had been brought to their knowledge by means of the extracts which had been read to the House, several hon. Gentlemen who had voted for the second reading had declared their opinions with respect to the measure to have undergone a change. Under those circumstances, and taking into account the late period of the Session, when it was impossible that hon. Members could set about acquiring the information which was necessary in order to enable them to arrive at a just conclusion on the subject, he trusted the noble Lord would see the expediency of withdrawing the Bill and postponing legislation to another Session. If the Government did not consent to act upon that suggestion, then the course which he should advise the opponents of the measure to pursue was to go on reading extracts until their object was attained. It was, in his opinion, extremely doubtful whether, if hon. Gentlemen generally had read carefully as he

had done the Minutes of Sir James Outram and Mr. Willoughby, the Government would retain that majority which they had upon the previous stage of the measure secured.

COLONEL SYKES said, that communications which he had received from several gentlemen, civil and military, in India, led him to believe that a strong feeling of dissatisfaction was growing up in that body of 4,980 officers of the local army of India who would be affected by the Bill, and who, from the accounts of the debates in Parliament which they received, were induced to form the opinion that their interests were being dealt with with the utmost recklessness and inattention by the House of Commons. The question before the House, however, was less to be considered as tending to the injury or promotion of the interests of any particular class, than as bearing upon the future safety of our Indian Empire, and the best mode of reconciling the rule of a comparatively trifling number of Europeans with the obedience of 200,000,000 of the Native population of India. For his own part, he could not help thinking that the annual accession of fresh European blood to that country, which the proposed annual reliefs of regiments would effect, and the fact that those of our race who were sent out there were for the first five or six years after their arrival disposed to look upon and treat the Natives as "niggers," must ultimately tend to impair, if not altogether to annihilate, our authority in India.

MR. NEWDEGATE said, he wished to know from Her Majesty's Government why they proposed to abandon the power of maintaining a local European force in India. He had voted against the second reading because he could not understand why Her Majesty's Government should abandon the power of raising and maintaining a local force in India.

Debate adjourned till To-morrow.

EAST INDIA STOCK TRANSFER, &c., BILL.

SECOND READING. COMMITTEE.

Order for Second Reading read.

SIR CHARLES WOOD moved that the Bill be now read the Second Time.

MR. VANSITTART said, he was induced to offer a few observations on the Bill, because in his capacity of a proprietor of East India Stock he was in a position to state that great uneasiness prevailed

Mr. J. B. Smith

among that body, proceeding from the fact, which was only too transparent, that the Bill tended to invade the sanctity of what was called the Security Fund. Hon. Members were not, perhaps, aware that the East India Stock was the old, original stock of the East India Company; that by the Act of 1833 a bargain was entered into between the Government and the East India Company by which the proprietors were guaranteed an annuity at the rate of 10½ per cent on their stock, and the final payment of a sum of £12,000,000 sterling; that in consideration of this the Company relinquished their right of trading, surrendered to Government all their commercial assets, amounting to upwards of £15,000,000, and placed in the hands of the Commissioners for the Reduction of the National Debt £2,000,000 as a security fund, which, by interest and compound interest had accumulated so rapidly that it already amounted to £5,125,000. Now, he fully admitted that, as India had been incorporated with the rest of Her Majesty's dominions, and as it had been proved that the old system was unsuitable to the altered circumstances of the country, it was incumbent upon the House to make great and important changes. He did not, therefore, object to the payment of the stock being transferred to the Bank of England; on the contrary, he believed such an arrangement would enhance the value of the stock; but he did most strongly object to the security fund and the unclaimed dividends being placed at the absolute disposal of the Secretary of State for India. By such a proceeding an extraordinary and dangerous power would be placed in his hands, and that House would reverse the award of the arbitrators—only appointed last year, with the mutual consent of the Government and the Company—which ruled that the Directors were bound to retain the unclaimed dividends for the proprietors and Company. In respect to economy no saving would be effected, as he understood that the Directors were being rapidly reduced to six, two retiring every year. Under those circumstances, if the House passed the Bill as it now stood it would not only repudiate a previous bargain, and the award of the Government arbitrator, but it would lend its hitherto unsullied name to a wanton aggression on the right and property of a chartered body of its own creation, with regard to which it was distinctly laid

down that all acts must be done upon the requisition and with the approbation of the Court of Directors. He had, therefore, in conclusion, to express a hope that the Government would omit from the Bill the 20th Clause, which dealt with the security fund. If they did not consent to take that course, he should feel it to be his duty to divide the House against the second reading.

SIR CHARLES WOOD said, the 20th Clause would be omitted, and that the security fund would then stand in its present position.

SIR HENRY WILLOUGHBY said, he must complain of a system of legislation according to which questions of the utmost moment, involving a vast amount of property, were treated as matters of arrangement between the Secretary of State for India and certain private Members. A Bill had been introduced containing a clause, which he did not hesitate to stigmatize as dishonest. By what authority, he wished to know, did the Government seek to take into their hands rights appertaining to a large body of stockholders, the enjoyment of which had been guaranteed to them by charter? Could the proposition be defended on any principles of justice, by which the whole of this guarantee fund was to be handed over to the Secretary of State and the Chancellor of the Exchequer? The House was now aware that the National Debt Commissioners were a complete sham: for the right hon. Gentleman had admitted the other evening that he exercised the whole powers of that Commission. An opinion was consequently gaining ground out of doors that, by this measure, chartered rights would be greatly jeopardized.

COLONEL SYKES said, if his hon. Friend would wait till the Bill was reprinted on Monday, he would doubtless find his objections removed.

Bill read 2^d, and *committed*.

Considered in Committee, and reported; to be printed, as amended [Bill 295]; re-committed for Monday next.

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, July 27, 1860.

MINUTES.] PUBLIC BILLS.—1^a Poor Law Board Continuance; Local Government Supplemental (No. 2); Militia Ballot.

2^a Militia; Municipal Corporations (Ireland) Act Amendment; Landed Property Improvement (Ireland); Metropolitan Police Force (Dockyards); Heritable Securities, &c. (Scotland); Turnpike Acts Continuance; Maynooth College; Bank of Ireland (No. 2); Weights and Measures (Ireland); Police and Towns Improvement (Scotland) Act Amendment; Sheriff Court Houses (Scotland); Local Government Act (1858) Amendment; County Coroners; Common Law Procedure (Ireland) Act (1853) Amendment; Copyhold and Inclosure Commissions, &c.; Turnpike Trusts Arrangements; Railways Act (Ireland) (1851) Amendment; Game Certificates, &c.

3^a Bleaching and Dyeing Works; Lands Clauses Consolidation Act (1845) Amendment; Queen's Prison; Offences within Her Majesty's Possessions Abroad; Nuisances Removal and Diseases Prevention.

PRIVATE BILLS AND BUSINESS OF THE HOUSE.

RESOLUTIONS MOVED.

LORD BROUGHAM, who had given notice to move certain Resolutions connected with Private Bills and the Business of the House, said: I have now, my Lords, to administer a small homœopathic dose to your Lordships, by merely presenting my Resolutions, instead of waiting till a later period of the night, when the dose would not be at all homœopathic, and when I should be obliged to enter on the subject at large. On a former occasion I gave a notice; but, as it stands after all the Orders of the Day, I am precluded from bringing forward the important subject to which it relates at a time when it would have been most convenient for me to do so. I have been labouring all day in this House with several of your Lordships, and am very much disposed to be relieved from further attendance; and therefore, I shall at present only propose these Resolutions, which I shall not debate, which I shall not open in any way. I only humbly recommend them to the attention of your Lordships, particularly to my noble Friend the late Speaker of the House of Commons, and I will venture to say a better Speaker of that House there never was, either in our time or in the times before us, I particularly recommend these Resolutions to his best attention. They are framed with the design of preventing that House, of which he was the head and the organ for so many years, becoming, according to its etymological derivation, a mere Parliamentary, a mere colloquial assembly, a mere place of talk—a place of much talk—and, I was going to say, little work; but it would be a compliment to

say little work—a place of mere talk, and no work at all. I do not say such is the present state of that House—Heaven forbid! But these Resolutions have a tendency to prevent that great mischief to the community, which would be the obstruction of all legislation and of all good government—if that should ever come to pass. I hope in Heaven it never may happen! These Resolutions were the result of an humble endeavour on my part to prevent so great a calamity, and to render, if possible, the other branch of the Legislature, as well as your Lordships' House, a place of work. The bulk of the Resolutions I moved in 1847, having obtained the co-operation in reducing them into a shape to be acted upon of an illustrious friend of mine—now unhappily no more, whose loss we feel every day—nay, every hour of every day, whether in connection with our home concerns or our foreign relations, whether we be in the enjoyment of the blessings of peace or encountering the disasters of war—I now, my Lords, make another attempt in the same direction, in the earnest hope that it may be attended with the same success. The noble and learned Lord concluded by laying the Resolutions on the table.

Debate arising thereupon, the further Debate adjourned *sine die*; the said Resolutions to be printed.

MILITIA BILL.

SECOND READING.

Order of the Day for the Second Reading read.

EARL DE GREY AND RIPON, in moving the Second Reading of this Bill, said, the first power which it would confer was to enable Her Majesty to unite together, for the purpose of forming a corps of Artillery Militia, portions of the Militia of adjoining counties, and of divisions of counties. Provision was next made for the establishment, by the joint action of the counties, of storehouses for the united Artillery corps. The machinery for that purpose had been adopted from an Act passed some years ago for the establishment of joint lunatic asylums by different counties. Owing to the different arrangements with respect to county rates in Ireland, it had been necessary to alter the wording of the clauses relating to that country, but the object contemplated was precisely the same. The inconvenience which had been experienced from the non-

Lord Brougham

ability of borough justices to administer oaths to Militia Volunteers was remedied; and it was enacted that immediately on their enrolment it should be lawful to drill recruits for a limited period at headquarters; by which means the adjutant would not only be able to acquaint himself more thoroughly with their appearance, but the men would be much better prepared when they subsequently came up for their twenty-eight days' training. Some doubt having arisen as to whether an order from the Secretary of State was required in every case to determine whether deserters should be tried summarily before a justice of the peace or by a court-martial, it was provided by this Bill that they might in future be tried summarily by a justice in every case, unless where the Secretary of State shall give express directions by regimental court-martial. By the last two clauses of the Bill the principle existing with regard to England was extended to the other portions of the United Kingdom. The quota of Militia for England and Wales was 80,000; but in case of invasion that force might be increased 50 per cent. It was now provided that under similar circumstances the Irish and Scotch contingents might be enlarged in like proportion; but the provision of course would be inoperative except in case of actual invasion. It only remained for him to state that most of these alterations in the law relating to the Militia force had been adopted in compliance with recommendations of the Royal Commission of last year, and all of them had been suggested by the inquiries conducted by that Commission. It was the wish of his right hon. Friend the Secretary of State for War, to carry out, as far as possible, the views of the Commissioners, and he believed that the changes which the Government had adopted, in accordance with their recommendation, had been attended with beneficial effect. In the condition of the Militia this year a tendency to improvement was exhibited, which led the Government to hope that if it were placed on a proper footing, and left as it ought to be, as a reserve and local force, it would recover from the state of depression which had resulted from the course which had been pursued under circumstances of great difficulty and pressure, and become a really valuable adjunct to the defences of the country.

Moved, That the Bill be now read 2^d.

THE EARL OF MALMESBURY said, that with respect to the last observation of

his noble Friend, he entertained the same hope as to the future of the Militia as did his noble Friend, but he was not sanguine enough to entertain the same confidence. There could be no doubt that the recruiting of the Militia would be much more extensive if the convenience of the different regiments were consulted. No difficulty whatever would have been felt in keeping up the establishment of the Hampshire Artillery Militia, which he had the honour to command, if it had been stationed at Portsmouth, as Sir James Scarlett recommended. But instead of that the regiment was quartered in Wales, and the Lancashire Artillery were taken all the way down to Portsmouth. In time of peace he could not see any necessity for such capricious quartering, and he was quite satisfied that except under circumstances of urgent necessity the contrary was the more judicious course. When regiments were a long way distant from their own part of the country recruiting officers found it impossible to induce the men to join head-quarters.

VISCOUNT HARDINGE expressed his satisfaction at the willingness with which the Government were carrying out the recommendations of the Commission. Having been one of its members, he knew the great attention which they had bestowed on all subjects affecting the efficiency of that force, and, in particular, the care with which they had considered the question of whole or partial embodiment. Most of the desertions of which so much had been said were owing, he believed, to the fact that recruiting officers, under the pressure of circumstances, had raised men at a distance from the county to which the corps belonged. He knew of one regiment which had been recruited almost entirely in London; it was therefore not to be wondered at that the men were not forthcoming. The provisions of the Act of last year had tended materially to improve the condition of the Militia, and to render it no longer a merely paper force. He wished to know whether the Government intended to make any increase in the allowances of non-commissioned officers on the permanent staff, which at present were so low that it was almost impossible to induce non-commissioned officers to remain on it.

After a few words from VISCOUNT MELVILLE,

THE DUKE OF BUCCLEUCH called attention to the fact that within a short period no less than five Bills had been submitted to Parliament for the improve-

ment of the Militia, and thought it would be well if the various Bills could be consolidated.

EARL DE GREY AND RIPON said, the Government had considered the propriety of consolidating these Acts, but it was necessary that amendment should precede consolidation. He was glad to say that it was the intention of the Government to increase the allowances to non-commissioned officers of the permanent staff.

Motion agreed to.

Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on *Tuesday* next.

MAYNOOTH COLLEGE BILL.

SECOND READING.

THE DUKE OF ARGYLL moved that the Bill be now read 2^a.

VISCOUNT DUNGANNON said, he did not intend to oppose the second reading of the Bill; but in Committee he would oppose the second clause, which allowed money to be borrowed for the purpose of repairing the College, on the security of the Consolidated Fund. As the trustees were about to repair the College out of their own funds, he thought that any money that was required to be borrowed, ought to be on the security of their funds.

THE DUKE OF LEINSTER supported the Bill. The College buildings had got into a dilapidated condition, as there were no funds from which the repairs could be executed. It was proposed, therefore, to take the funds set apart for the students to repair the buildings; but to authorize them to do so, this Act of Parliament was necessary.

THE EARL OF MAYO also opposed the second clause. He had no objection to the main object of the Bill, as explained by the noble Duke.

THE DUKE OF ARGYLL said, the noble Lords opposite were under a misapprehension as to the security on which the money was to be borrowed. It was not the Consolidated Fund, but the annual vote of £30,000 out of the Consolidated Fund, which was to be given as security for the loan. The Bill was merely to give power to borrow money for a temporary occasion, but only to the extent voted by Parliament.

Bill read 2^a, and *committed* to a Committee of the whole House on *Tuesday* next.

COUNTY CORONERS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD CHELMSFORD moved that the Bill be now read a second time. The measure had come up from the other House, and had been framed in conformity with the recommendations of the Royal Commission. The Bill had a twofold object; it regulated the election of County Coroners, and also altered the mode of remunerating them. The fees of Coroners were now regulated by the 25th of George II., which provided that when an inquisition was "duly held" by the Coroner, he should receive from the Court of Quarter Sessions the sum of 20s., and 9d. per mile travelling expenses. By a statute of Henry VIII. the Coroner was liable to a penalty of 40s. if he neglected his duty. The Court of Quarter Sessions had, however, a discretion to determine whether an inquest had been duly held, and regulations had been made, some of which pressed very hardly on Coroners. In some counties a rule was laid down that, unless the Coroner were set in motion by the police, he would not be entitled to his fee. In one county the magistrates had decided that where an inquest was held upon any child, and it appeared that it had been overlaid by its mother or its nurse, the fee should not be allowed. The information received by the Coroner was in many cases derived from non-official sources, often anonymously; and it was most important, in the interest of justice, that he should not be restrained from holding an inquest, because no intimation had been officially given to him. As to the other rule, it offered a sort of premium upon carelessness or worse. It must be admitted, on the other hand, that some Coroners had been in the habit of uselessly intruding themselves into families, and distressing the feelings of those related to the deceased. Coroners were in this predicament; that they were deterred from holding inquests, lest the magistrates should afterwards think they ought not to have been held. The Royal Commissioners, in their Report made in 1858, did full justice to the invidious and unjust position in which Coroners now stood, and recommended that they should be paid by salaries, and not by fees. A clause in the Bill provided that the salary to be paid in future should be calculated upon the average of the fees and emoluments for the previous five years. If the magistrates

and the Coroner could not agree, the decision was to be left to the Home Secretary. There was some danger that, in the absence of the former stimulus to activity, the Coroner might neglect his duty; and a clause had been introduced upon this point which would require some consideration in Committee. The noble and learned Lord concluded by moving the second reading of the Bill.

Moved, that the Bill be now read 2^a.

THE LORD CHANCELLOR said, he much approved the change proposed to be made in the payment of Coroners. When he had the honour to hold the office of Chief Justice of the Queen's Bench frequent complaints were made to him of Coroners holding inquests unnecessarily, and still more of justices refusing to pay them. It could not be doubted that in cases where there was not the slightest suspicion of a violent death Coroners had held inquests which had violated the feelings of the survivors. This practice ought to be checked. The clause referred to by his noble and learned Friend would, he thought, be found to require amendment in Committee.

THE EARL OF POWIS thought, under Clause 4, the expenses of counties would be increased, as Coroners were to receive a salary founded on the average of the last five years. He thought it objectionable that the salaries of Coroners should be changed every five years. It would be well to extend the term for revision to ten years. Such constant changes would do away with the benefit derivable from paying Coroners by a fixed salary, instead of by fees.

VISCOUNT DUNGANNON observed, that most inefficient persons were often appointed to the office of Coroner; and he had himself witnessed a case in which a Coroner was unable to sum up the evidence in a case of homicide and point out to the jury the distinction between murder and manslaughter. He thought it would be better if the Coroners were elected by the magistrates of the counties rather than by the freeholders generally. Payment by salary would, he thought, be far preferable to payment by fees. He should support the second reading.

THE LORD CHANCELLOR observed that Coroners from the most ancient times, from the period of the Conquest, were elected by the freeholders, and he should certainly object to take the franchise from them.

Motion *agreed to*.

Bill read 2^a, and *committed to a Committee of the whole House on Monday next*.

House adjourned at a Quarter-past
Seven o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 27, 1860.

MINUTES.]—NEW WRITS ISSUED.—For Stafford Borough *v.* John Ayshford Wise, esquire, Manor of Hempholme.

PUBLIC BILLS.—1^o Augmentation of Small Benefices (Ireland).

2^o Endowed Charities; Infants' Marriage Act Amendment.

3^o Militia Ballot; Clearance Inwards and Lien for Freight; Census (Scotland); Corrupt Practices Prevention Act (1854) Continuance; Gunpowder, &c.; Rifle Volunteer Corps.

LANDLORD AND TENANT (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 36 to 47 *agreed to*. Clause 48 *omitted*. Clause 49 *agreed to*.

Clause 50 (No Distress for more than One Year's Rent).

MR. HENNESSY said, he would propose the omission of the latter part of the clause, the effect of which would be to abolish the law of distress.

MR. DEASY said, that it was a very great alteration of the law to propose by a mere verbal Amendment. He knew that many Irish landlords were not opposed to the proposition, but great opposition might be excited in other quarters on the ground of the difference it would introduce between the law of England and Ireland. He himself would, if he could, do away with the law of distress, but believing that that could not be done, he could not consent to the Amendment.

MR. MONSELL suggested, as a compromise, that the clause should be so amended as not to abolish the power of distress altogether, but only in the case of tenants at will.

MR. SULLIVAN regretted that such a proposition as that should come from so respectable a source as the hon. Member for Limerick. He (Mr. Sullivan) thought this clause should be altogether omitted from the Bill.

MR. M'CANN said, he was as much opposed to the power of distress as any one else, but he feared it would be very difficult to pass into law a clause abolishing it.

COLONEL FRENCH hoped the suggestion of the hon. Member for Limerick (Mr. Monsell) would be acceded to.

MR. DEASY said, that he wished it to be distinctly understood that he could not enter into any undertaking on the subject. He was not in a position to do so, as he must consult with others. But if the Amendment were now withdrawn, he would then give an opportunity for its discussion on the bringing up of the Report.

MR. BRADY said, he was satisfied that if they abolished the power of distress the Bill would not pass the House of Lords.

MR. MAGUIRE said, he thought they ought to do what was right, regardless of what might take place elsewhere. He knew of cases in which landlords had taken advantage of the power of distress to crush tenants; but he was prepared to accept the proposition of the hon. Member for Limerick, confining the power of distress to the case of persons having leases, as he believed it would have the effect of inducing landlords to give leases.

MR. BAGWELL pointed out that there were grass lands in Ireland which must be let from year to year, and if they were to abolish the law of distress such yearly tenants might at any time sell off their stock, pocket the money, and go off to America without paying any rent.

COLONEL VANDELEUR said, he also thought it would be dangerous in many cases to abolish the power of distress altogether.

MR. O'BRIEN said, he was in favour of the abolition of the law.

MR. M'MAHON said, if the landlord had not the power of distress, he would be more careful as to the party to whom he let his land. In England there was a strong feeling in favour of the abolition of the law, and the Law Amendment Society some years ago pronounced for its abolition. He did not think there need be any fear of a reasonable clause on the subject passing through the House of Lords.

MR. HENNESSY said, after the promise of the Government he would not press his Motion.

Amendment, by leave, *withdrawn*.
Clause *agreed to*.

Clause 51 (Ejectment for Year's Rent unpaid).

MR. M'MAHON objected to the clause, and urged that the present limit of £50 should be retained.

THE O'DONOGHUE moved that the clause be omitted from the Bill.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 57; Noes 7: Majority 50.

Clause *agreed to*.

Remaining clauses, with the exception of Clause 96, which was struck out, *agreed to*.

MR. DEASY said, that in the absence of his hon. Friend (Mr. Hassard) he wished to move the addition of a clause declaring that the resumption by surrender or eviction of any portion of the premises demised by a lease, should not in any manner prejudice or affect the rights of the landlord, whether by action, or entry, or ejectment, as to the residue of the said premises. The clause was intended to remedy the present state of the law, according to which if a landlord let land by lease or agreement, and afterwards got up an acre or half an acre for the purpose of planting, or any other purpose, and made a reduction of the rent accordingly, he was held to be thereby deprived of the right of bringing an ejectment for non-payment of rent with regard to the remainder. There could be no objection to the clause, which proposed to remedy a mere technical defect.

Clause *agreed to*.

MR. SULLIVAN said, he rose for the purpose of moving the addition to the Bill of a series of clauses, which would give tenants the right of removing trade or agricultural fixtures, as well as any farm buildings which they might have erected. He had taken those clauses from the Bill which had been introduced by the right hon. and learned Member for the University of Dublin (Mr. Whiteside), and he believed that it would be just to the tenant to adopt them. The first he would propose was as to trade or agricultural fixtures.

Clause brought up and read 1°.

MR. DEASY said, that an Amendment of the law of fixtures might be a proper subject for the consideration of Parliament, but he believed that if they were to deal with the question at all they ought to deal with it by a separate Bill.

MR. M'MAHON supported the clause. It would be regarded by the tenants as a concession in their favour, and without it the Bill would be considered by the people of Ireland generally to be a mere landlords' Bill.

MR. MONSELL recommended that the present clause should not be pressed, but he thought that the other clauses of which the hon. Gentleman had given notice, providing that farm buildings erected by the tenant might be removed, if, after notice of removal given, the landlord or incoming tenant did not elect to purchase, ought to be agreed to. Nothing would give greater encouragement to tenants to erect suitable farm buildings than a state of the law which provided that they should, when they gave up possession of the land, be repayed for their outlay.

COLONEL FRENCH supported the clauses, which would go far to encourage the tenant in the employment of capital.

MR. BRADY said, he thought that trade fixtures should be omitted, and agricultural fixtures only included in the clause.

SIR EDWARD GROGAN said, he could not help fearing that if they were to introduce any novel principle upon the subject they would ensure the rejection of the Bill in "another place."

MR. DEASY said, that at present the tenant might exercise the right of removal during the tenancy, and suggested the introduction of words making it lawful to remove fixtures for two months after the termination of the tenancy.

Clause, as amended, added to the Bill.

MR. SULLIVAN said, he would then propose to add a clause providing that farm buildings erected by the tenant might be removed.

Clause *brought up*, and read 1°.

MR. DEASY said, he could not assent to the insertion of this clause, because the tenant would have power to erect buildings without the knowledge of the landlord, and at the end of the tenancy could not only remove the buildings, but by doing so inflict irreparable injury on the freehold. The tenant would thus be enabled to compel the landlord to agree to his wishes.

SIR EDWARD GROGAN said, if the buildings were erected with the consent of the landlord they would come under the general law. If they were erected without the consent of the landlord he hoped the House would pause before they agreed to the clause.

MR. McMAHON suggested that the objection might be removed by the introduction of the words "and which can be removed without substantial damage to the freehold."

MR. DEASY said, that if notice were given of bringing forward the proposition in a modified form on the Report, he would be prepared to consider it.

MR. SULLIVAN said, he was willing to introduce the words suggested by his hon. Friend (Mr. McMahon).

MR. CARDWELL said, the clause gave power to remove buildings erected without the consent of the landlord; and if that principle was insisted on they must divide the House against it.

SIR WILLIAM SOMERVILLE recommended the hon. Member (Mr. Sullivan) to consult with his friends with a view to some modification of the clause.

MR. HENLEY warned the House that if a tenant were to be at liberty to erect buildings which might be a nuisance to the landlord, and remove them at the end of his tenancy, the effect would be that every landlord would take care to bind down his tenant to erect no buildings, except such as received his consent.

Motion made, and Question put, "That the Clause be now read a Second time."

The Committee divided:—Ayes 25; Noes 71: Majority 46.

MR. DEASY suggested that the hon. Member (Mr. Sullivan) would have an opportunity of moving his remaining clauses on the Report, and hoped that the Committee would allow the Bill to pass through the Committee.

House resumed. Bill reported; as amended, to be considered on *Monday* next.

THE CANTON BOOTY.—QUESTION.

SIR MICHAEL SEYMOUR said, he wished to ask the Secretary to the Admiralty the cause of the delay in the payment, and when the distribution of the Canton booty to those engaged in the capture of that city will take place?

LORD CLARENCE PAGET said, the delay had arisen in consequence of claims having been put forward by his hon. and gallant Friend subsequent to the original Return of the numbers engaged having been sent in. The claims so put forward had been admitted by the Admiralty, but they had necessitated an arrangement as to the respective proportions claimed by the Army and Navy.

STORES FOR INDIA.—QUESTION.

SIR DE LACY EVANS said, he rose to ask the Secretary of State for War, Whether he has not received from the Secretary of State for India in Council a Letter from the Bombay Government, dated the 25th day of February, 1860, with enclosed Letter from the Inspector-General of Ordnance in Bombay, dated the 30th day of November, 1859, together with Copy of a Letter from the Bombay Government, dated the 12th day of March, 1860, with Enclosure from the Inspector-General dated the 15th day of December, 1859, all relating to Stores sent from this country to India; and whether there will be any objection to laying Copies of this Correspondence upon the Table of the House, together with Copies of any Correspondence concerning the recall, by the Council of India, of certain Storekeepers recently sent to India by the Secretary of State for War?

MR. SIDNEY HERBERT said, that he had in the course of the afternoon obtained the correspondence to which the question of the hon. and gallant Gentleman referred, and there would be no objection to lay it upon the table. He was very glad that the hon. and gallant Officer had asked for these papers, because he trusted that they would remove a good deal of misapprehension as to the value of the stores and the degree in which perishable articles were sent in an unserviceable state. He might say that these occurrences took place long before he was in office, and also before the creation of the office of Secretary of State for India.

THE SPANISH TARIFF.—QUESTION.

MR. LYALL said, he would beg to ask the Secretary of State for Foreign Affairs, Whether, in consequence of his representations to the Spanish Government, and the advantages granted to Spain by the recent alterations of our Tariff, that Government is disposed to alter its Navigation Laws?

LORD JOHN RUSSELL said, the Spanish Government had shown a disposition to reconsider their Tariff with a view to alterations; but he had no reason to think that they would modify their Navigation Laws.

BARRACKS AND FORTIFICATIONS. QUESTION.

MR. PAPILLON said, he would beg to ask the Secretary of State for War, how

soon the New Barracks at Colchester are likely to be commenced, and within what period he hopes to have them completed; whether he intends to put in order and arm the Twenty-one Towers between St. Osyth's Point and Aldborough, not one of which is at present armed; and, generally, what steps he proposes to take for the purpose of rendering more efficient the armament and defences of that part of the East Coast?

MR. SIDNEY HERBERT said, that the greater portion of the money taken this year for the erection of barracks at Colchester would be absorbed in the purchase of land. The barracks would, however be commenced in the course of the present financial year, and he hoped that in about eighteen months from their commencement they would be in a habitable state. As regarded the other question, there was in the Estimates a sum for the repair of Harwich Harbour, and the other defences on the coast were being gradually put into repair. Of course, the Government did not undertake to erect fortresses all round England, so as to prevent the possibility of an attack on any part of the coast.

THE WAR IN SICILY.

LORD JOHN RUSSELL: I wish, Sir, to address the House for a few minutes with regard to an answer which I gave to the hon. Gentleman yesterday. That answer was correctly reported in substance, and it having reached the Envoy of the Neapolitan Government, he has addressed to me a letter complaining that I did not accurately represent his statements to me. Those statements were entirely verbal; and I certainly meant to represent accurately both his proposition and my answer to it. His letter is as follows:—

“London, July 27.

“My Lord,—The reply which your Excellency gave yesterday to the question of Mr. Griffith, on the subject of the war in Sicily and of a truce to be established, not having correctly represented my intentions and those of my Government, I beg you to be kind enough to rectify your statement in the House of Commons. What I requested of the Government of Her Britannic Majesty was, to be good enough, in concert with France and Piedmont, to exercise a pressure upon Garibaldi with the view of obtaining a real truce for six months, so that the negotiations for an alliance with Piedmont might be brought to an issue, and that the meeting of the national representation might take place. The idea of directly employing force against Sicily by the abovementioned Powers did not at all enter into my mind, nor into that of the Government which I have the honour

Mr. Papillon

to represent, assured as I am that the means of attaining the object would not have failed without the necessity of having recourse to extraordinary expedients.—I have, &c.,

“A. LA GRECA.”

I do not wish to add a word to that statement, of which I am anxious that the Neapolitan Envoy should have the benefit.

THE CLAIMS OF MR. KAVANAGH.

QUESTION.

MR. KINNAIRD said, he rose to ask the Secretary of State for India, how far the claims of Mr. T. H. Kavanagh upon the Government of India for important services rendered during the Mutiny of 1857 and 1858, evidencing, as those services did, great zeal, intelligence, and courage, and exposing Mr. Kavanagh to great personal risks, has been acknowledged by the Government?

SIR CHARLES WOOD said, that Mr. Kavanagh had been appointed to a much higher situation than that which he held at the time he performed the services referred to, he had received the Victoria Cross, and had been allowed to come home upon furlough with half-pay, an advantage which had not been allowed in any other case.

Moved,—That the House at its rising do adjourn till Monday,

EMPLOYMENT OF SCOTCH BISHOPS IN ENGLAND.—QUESTION.

MR. AUGUSTUS SMITH said, he rose to ask the Secretary of State for the Home Department, Whether a Bishop of the Episcopal Communion in Scotland can legally perform any episcopal functions in any diocese in England on behalf of the Bishop thereof? The Bishop of Exeter had very recently employed a Bishop of the Episcopal Church in Scotland for the performance of his duties. As he understood the law it was illegal for a Scotch Bishop to be so employed continuously, and he should be glad if the right hon. Gentleman would inform the House how the law really stood.

MARITIME TREATY WITH FRANCE.—HARBOURS OF REFUGE.—QUESTIONS.

MR. LINDSAY said, he wished to ask the First Lord of the Treasury, what steps have been taken to carry out the unanimous Resolution of the House in regard to a

Maritime Treaty with France, and what measures, if any, have been prepared to carry into effect the Resolution of the House respecting Harbours of Refuge? He wished to know with regard to the first part of the question whether any representation had been made to the French Government that while we admitted the ships of France to all the privileges enjoyed by our own vessels in British ports we were still precluded from carrying the produce of our colonial possessions to France, and that the commercial treaty would not produce the results which both countries anticipated unless some material change was made in the French navigation laws. He also wished to know whether, if any correspondence had passed on the subject between the Governments of France and England, the noble Lord would have any objection to lay it upon the table? As to the other part of the question, it would be recollected that some weeks ago the House, after a full discussion, by a clear and decided majority, adopted a Resolution that the recommendations of the Royal Commission on Harbours of Refuge should be carried into effect. He wanted to know what steps the Government had taken in consequence of that Resolution. A Resolution of that House was a very grave matter, and the Government were bound to act upon it, or to give substantial reasons why it was impossible for them to do so. He might be told that there was no money available, but such an excuse could not be accepted at a moment when the Government were about to embark in an expenditure of £9,000,000 or £12,000,000 for land fortifications. He believed that Harbours of Refuge would not only save many lives and much valuable property, but would add materially to the defence of the country against aggression.

LORD JOHN RUSSELL stated that when the House passed the Resolution respecting the maritime law of France, Earl Cowley was informed that Her Majesty had agreed to the Address, and his Excellency was empowered to negotiate with the French Government on the subject. It happened that at that time there was great excitement in France, owing to the concessions which had been made to Great Britain with respect to the introduction of British manufactures. The manufacturing interests, who were afraid of losing their protection, had raised a considerable clamour on the subject of the commercial

treaty, and the Resolution of that House respecting the maritime laws of France created great alarm in the French ports. Addresses were presented from all quarters to the French Government imploring them not to make any change in the navigation laws. Earl Cowley said that at such a moment he could not obtain any success in negotiating a maritime treaty, and in a conversation with M. Thouvenel he discovered that the French Government were not disposed at that time to entertain the question of an alteration in their navigation laws, in consequence of the change we made in 1848. Under these circumstances Earl Cowley, exercising a wise discretion, resolved not to press the negotiation, but to defer it until some more favourable opportunity.

MR. MILNER GIBSON said, that with reference to the second part of the question of the hon. Member for Sunderland he had to observe that at the time the Resolution with respect to the Harbours of Refuge was under consideration it was not very clearly explained what precise meaning was to be attached to it. He (Mr. Gibson) had asked the question whether it was intended by that Resolution that all the recommendations of the Commissioners should be carried out, and he was informed that that was not understood to be the meaning of the Resolution. On the other hand, he was led to believe that all that was meant by the House was a general indication that something should be done in the sense of carrying out the recommendations of the Commissioners [Mr. LINDSAY: No, no!] Putting, therefore, that construction upon the Resolution—which, he admitted, ought to have weight with the Government, it would no doubt be their duty to submit a plan to Parliament next Session—if it should be in their power to do so—such as they could conscientiously recommend to the adoption of the House.

ATROCITIES IN AMERICAN SHIPS.

QUESTION.

MR. MONCKTON MILNES said, he would beg to ask the Secretary of State for the Home Department what measures have been taken to bring about a convention with the Government of the United States to remedy the impunity with which crimes are committed on board vessels trading between the United States and this Country, and to call the attention of

the House to some recent circumstances bearing on the question? It would be recollected that about that time last year he called attention to the horrible atrocities committed on board American vessels trading between England and the United States, the perpetrators of which atrocities, in consequence of the defective state of the law, were able to escape with entire impunity. At that time the Foreign Minister undertook to do everything in his power to remedy that great evil, and to communicate with the American Government on the subject. At the beginning of the present Session, however, the noble Lord informed the House that he had handed the matter over to the Home Secretary, considering the question to be one of domestic legislation. Since that period the House had not heard one word of the matter, although the atrocities were still frequently committed. A sailor lately died in an hospital in Liverpool in consequence of injuries received on board the *Ocean Monarch*. An inquest was held upon his body, and the jury returned a verdict of manslaughter against the second and third mates, but the men escaped under the extradition treaty during the inquest, and were now free from the consequences of their brutality. What rendered the case worse was that the parties in question were the very same men, who three years ago were found guilty of manslaughter, on board a ship bearing the pacific name of *John Bright*. It seemed that the crime of manslaughter did not come within the terms of the extradition treaty. If that sort of proceeding was to go on, he would ask what *quantum* of murder would be sufficient to induce the Governments of this country and of the United States to put a stop to such transactions? Was the great Atlantic to be a place where every kind of outrage might be committed with impunity, and did not the Government of this country and the Government of the United States see that, as regards two civilized nations, such a state of things was a great calamity and opprobrium to humanity?

SIR GEORGE LEWIS said, that with respect to the question put by the hon. Member for Truro (Mr. A. Smith), he would state as distinctly as he could, what he understood to be the law with regard to Bishops of the Scotch Episcopal Church performing episcopal functions in England. The Act of 32nd Geo. III., cap. 63, sect. 9, contained this enactment:—

Mr. Monckton Milnes

"That no person exercising the function or assuming the office and character of a pastor or minister of any order in the Episcopal Communion in Scotland, as aforesaid, shall be capable of taking any benefice, curacy, or other spiritual promotion within that part of Great Britain called England, the dominion of Wales, or town of Berwick-upon-Tweed, or of officiating in any church or chapel within the same, where the Liturgy of the Church of England as now by law established is used, unless he shall have been lawfully ordained by some bishop of the Church of England or of Ireland."

On examining the rest of the Act, it appeared to him to be clear that by "pastor" was meant parochial clergyman, and the words "unless lawfully ordained" seemed to limit the application of the enactment to parochial clergymen. With regard to the words "or minister of any order," on which no doubt his hon. Friend relied, as the expression followed the word "pastor" it must be as illustrative of the word it followed, and must signify, according to the ordinary rules of construction, an inferior, and not a superior, order to "a pastor." Therefore the Act, according to obvious and fair construction, was limited to parochial clergymen, and was not applicable to Bishops. There was a subsequent Act, the 3rd and 4th of *Vict.*, cap. 33, by which the prohibition was partially removed; but the question was, whether the prohibition referred to the exercise of episcopal functions, and it appeared to him, as far as he was able to form a judgment, that it did not so refer. He had been favoured by the Bishop of Exeter with a communication in which that right rev. Prelate stated certain facts, together with his view of the law of the case. What the right rev. Prelate contended for was, that, according to the law of the Church, a Bishop of the Scotch Episcopal Church could exercise episcopal functions in the Church of England, inasmuch as he assented to the doctrine of that Church. It was well known that if a Bishop of the Roman Catholic Church conformed to the Articles of the Church of England, he was *ipso facto* a Bishop of the Church of England; and in like manner, if a Roman Catholic priest conformed, he was *ipso facto* a priest of the Established Church. Hon. Gentlemen would recollect that Mr. Blanco White preached before the University of Oxford, and he was never ordained in the Church of England, but had been in orders as a member of the Church of Rome. The Bishop of Exeter in his communication observed:—

"And what has been the practice of our own Church? Has Bishop Trower's recent exercise

of the episcopal function by holding confirmations in Cornwall for the Bishop been a solitary or new case? So far from it that for many years diocesan Bishops in England have availed themselves of the aid of Bishops consecrated in Scotland. Bishop Maltby, of Durham, was repeatedly assisted in his old age by Bishop Eden, of Moray, having first satisfied himself, as is understood by inquiry, that there is no lawful impediment. Bishop Trower himself has confirmed in Kent for the present Archbishop of Canterbury; so has another Scotch Bishop (Forbes) of Brechin. More than this, Bishop Trower has himself received commissions as a Bishop from the late Bishop of London, and from the present, to confirm for them (whose special office it has always been considered to be) members of the Church of England on the Continent. And, so far from his so acting as Bishop, or the commission of the Bishop of London, under which he so acted, being esteemed the assumption of a power which does not belong to him as a Bishop, that on the last of these occasions, notice was sent from the Foreign Office to our Ministers abroad desiring them to aid and countenance his so acting."

These were precedents bearing on the case, and, so far as he was able to form a judgment on this rather delicate question of ecclesiastical law, it appeared to him that there was no statutory prohibition or rule of canon law by which Scotch Bishops could be prevented from exercising functions, with the consent of the Bishop of the diocese, within a district of the Church of England.

In regard to the question put by the hon. Member for Pontefract (Mr. M. Milnes), he had to say that the Government in the course of last autumn entered into negotiations with the American Minister, Mr. Dallas, and, after consideration, prepared a draught of convention, which was transmitted to the American Government. It had not yet been returned, and he was not aware what decision had been come to on the subject.

THE FORTIFICATIONS.—QUESTION.

SIR FRANCIS GOLDSMID said, he would beg to ask the Secretary of State for War, Whether he can, on or before Monday, lay upon the Table a Statement specifying the works towards which the £2,000,000 proposed to be voted for Fortifications are to be applied, and showing the probable cost of completing such works?

MR. SIDNEY HERBERT said, the reason why the Government had asked for the money in the mode they had done, was that, if they had asked for it in the Committee of Supply it would be necessary to include the moneys in the Appropriation Act, which would close their operations by the 31st of March next, instead of which they wanted to go on with the works for a year, taking advantage of the following summer. With regard to the detailed statement asked for, he had already drawn up such a statement, which had been laid on the table of the House, and would, he hoped, be printed and circulated to-morrow morning.

SUSPICIOUS FOREIGNERS.

OBSERVATIONS.

MR. BENTINCK said, he trusted that whether he could induce any hon. Member to take the view he held on the subject he was about to bring before the House or not, the importance of that subject was a sufficient excuse for his bringing it forward. Whatever might have been the apathy of the people of this country during many years on the subject of the national defences, he believed that within the last few years that apathy had entirely ceased to exist. Indeed, the amount of interest now taken in the subject was one of the best safeguards they had for the security of the country. Whatever had been the anxiety of the country with regard to our defences, he believed that during the last year it had very materially increased. That anxiety had increased, not only from the different aspect of affairs abroad, but also from opinions expressed and statements that had been made by persons of high authority on the subject. Those opinions and those statements had tended to create throughout the country the deepest possible interest in the question. The country, whatever it might have been formerly on the subject, was now made aware that the question was one which must be dealt with in the clearest and simplest possible terms, and was no longer to be considered unimportant. He believed that the fact of those opinions being promulgated would have a beneficial effect on the mind of the country. The people formerly looked on the question of the defences of the country as wild, chimerical, and childish; but now they looked on it as one of the most important to which attention could be called. The nation had heard, from a source on which it was accustomed to place the utmost reliance, that the aspect of European affairs has changed, that as far as we were concerned the invention of steam had altered our position for the worse by bridging over the Channel; and it has

been taught from the lips of the First Minister of the Crown to recognize the startling truth that a Ministry which did not devote its best energies to the defence of the country was worthy of impeachment. Little as he had ever been disposed to doubt the possibility of an invasion, he was still less inclined to do so after the statement which had gone forth on authority. Was it wise, then, to confine their discussions or their views to a single branch of the subject of national defence? Ought they not rather to inquire whether there were means by which an enemy, attempting a descent on this country, might embarrass the proceedings of the defenders, and so gain for the enterprise material advantages, and a probability of success? Under present circumstances, he maintained it would be extremely easy for means to be taken which would not only facilitate the landing of troops on the coast at a point where the country would not be prepared immediately to collect the force requisite to repel the attempt, but which would to a great extent paralyze our means of repelling the assault. The noble Lord at the head of the Government, on a recent occasion, as well as in former debates, had taken the manly and straightforward course of stating frankly and without mystification, that in talking of the defences of the country, the danger which these were intended to guard against was the possibility of invasion by France. It would be undignified and evasive if the House were for a moment to attempt to avoid that issue. He himself did not believe in the probability of any such invasion, and he felt convinced that if the attempt were ever made it would end in the destruction of every individual who landed. He was not actuated by any hostile feeling in making these remarks, nor did he believe that it was the wish or intention of France to invade us; but it was no less true that she had placed herself in a position in which she was not at all times and under all circumstances a free agent. Warfare was conducted now on wholly different principles and with different weapons from those in use thirty years ago, and England, in availing herself of what he still regarded as her too limited resources, would be forced to rely, in a great degree, on modern inventions of a very useful character, but so fragile in their nature that almost a breath would destroy them. In the event of invasion electric wires and railways must form important

Mr. Bentinck

elements in our means of conducting internal operations. It was under such circumstances that the view suggested by his Motion became important. Within the limits of the Metropolis and spread about the country were thousands of foreigners, of whom a large proportion were of doubtful—he might even go further, and say of the worst character. He was by no means to be understood as uttering any general condemnation of the foreign residents in this country; but no one could deny that thousands of persons such as he had described were to be found, mere adventurers, who had been driven in many cases by misconduct from their own country, and, not being very susceptible on the point of honour, would readily lend themselves to any proceeding for which they were to be pecuniarily rewarded. In the event of a sudden attack on this country, the able tacticians by whom the movement would be directed would naturally seize the obvious advantage of employing these men as spies within the camp. If the class to which he had referred should not prove available for this purpose, the most unlimited facilities existed for conveying to this country, without attracting any observation, whatever number of persons might be requisite for the purpose of collecting information, and for destroying simultaneously the telegraphic wires and railways, which at the critical moment would be indispensable to the defences of this country. He wished to ask the right hon. Baronet whether, if intelligence reached him that persons with mischievous designs, such as he had referred to, had landed in this country, he at this moment possessed the power of adopting such summary measures as would under the circumstances be needed for the national safety. It was no use garrisoning a city if the gates were left open and any number of the enemy allowed to enter simply because they were unarmed when they presented themselves. That was the exact position in which this country was placed. The facts he had stated were a sufficient justification for his calling the attention of the House to the question, and unless the Government were able to say that they did not believe in the existence of the danger to which he had referred, or that they had full power and authority immediately to deal with it, he thought that he had made out his case, and that he was entitled to ask the Government in what way they were prepared to deal with the matter.

The right hon. Gentleman the Home Secretary might say that if we got rid of all foreigners there would still be disreputable people in the country, and therefore the danger would not be removed; but such an argument would not be an answer, because at all events as the number of dangerous persons decreased the danger would be materially diminished, and the Government would have the satisfaction of knowing that everything that could be done had been done. He might very likely be told that he was endeavouring to introduce an alien Bill, and it was perfectly true, if the case he had submitted were not listened to, that he, for one, should be prepared to meet the difficulty by legislation. If it were indispensable, it would be downright insanity not to pass such a Bill. The proposal he should make would in no way affect those foreigners who had left their own countries on account of their political opinions. The powers with which he wished to see the Government invested were such as would enable them, if they thought it necessary, to take stringent means for dealing with certain classes of foreigners in this country. If they left the Government without such powers all their other attempts at defence were a perfect farce; and they would be stultifying themselves by attempting in broad daylight to defend their coasts, whilst they neglected any defence against secret and most mischievous enemies who were living within their own capital. The notice which he had placed on the paper was—

“To call the attention of the House to the necessity, in the present aspect of the affairs of Europe, for conferring on the Government more stringent powers for dealing with foreigners of suspicious character resident in this country;” And in conclusion he would ask the Home Secretary whether he would not admit the truth of the statement which he (Mr. Bentinck) had made, and whether he had powers that would enable him to deal in an efficient manner with such an emergency as had been spoken of if it should occur; and, if he had not such powers, whether he did not think that it would be conducive to the safety of the country that he should have them.

SIR GEORGE LEWIS: I entirely differ from the hon. Gentleman in the construction which he has put upon the speech of the noble Lord at the head of the Government—

MR. BERNAL OSBORNE: I rise to order. I believe the right hon. Gentleman has already spoken.

MR. SPEAKER: It is so. I intimated to the right hon. Baronet when he rose that it is only by the indulgence of the House that he could again address it.

SIR GEORGE LEWIS: I have no wish to intrude myself on the House, but if it is not objected to I will go on. I was saying that I entirely differed from the hon. Gentleman in the construction which he has put on the remarks attributed to the noble Lord at the head of the Government. I did not at all understand my noble Friend to represent to the House that he entertained any expectation or fear of any imminent invasion of this country either from France or any other part of Europe. On the contrary, his argument went to show—

MR. SPEAKER: The right hon. Gentleman is entirely out of order in referring to a previous debate.

SIR GEORGE LEWIS: The hon. Gentleman made a distinct allusion to that speech, but, however, I will only say that, in any statement recently addressed to the House, I did not understand that it was wished to create any impression that the shores of this country were likely to be immediately invaded. What I understood to be meant was that, in consequence of political changes which had taken place since the peace of 1815, in consequence of the changes which had taken place in the art of war, and with respect to communications, we were placed in a position of inferiority with regard to our defences to that in which we stood some years ago. That had no relation to any immediate danger, it was permanent, and it was proposed to meet it by a permanent system of defence. The question with regard to our defences was whether we should expend a greater sum. [MR. BERNAL OSBORNE—Order, order!] Well, then, I will proceed at once to answer the hon. Gentleman's question; but it was difficult to meet his remarks without explaining my reasons for differing from the very ground on which he based his question. I will only say that I do not concur with him in thinking that we are exposed to any immediate danger such as his question refers to. If war should arise at any time between this country and any foreign country it will be competent to this House to entertain the question of an Alien Act. During the war which ended in 1815 the Government was armed with the powers of an Alien Act, though they were rarely exercised. I confess that my own opinion of the security derived from an Alien Act,

even in times of war, is by no means an exalted one. In time of peace I do not believe that any material benefit would arise from arming the Government with powers such as those which existed during the French Revolution of apprehending persons—who, as Lord Macaulay describes them, I think in one of his Essays, were “suspected of being of a suspicious character.” It is that power of dealing with persons of a suspicious character with which it is now sought to invest the Government. Then, how are they to be dealt with? It must either be by deportation from this country or by imprisonment within it. I much doubt whether, without some stronger reason than any that has been presented to the House, Parliament would be disposed to grant the Government such powers even if we thought it necessary to ask for them. I shall not follow the hon. Gentleman into his remarks upon the character of a large number of the foreigners resident in this country. I can only say that I do not at all assent to the description which he gave of them. I believe the great majority of those foreigners are persons who are peacefully pursuing different branches of trade and industry, and by no means likely to engage in such projects and machinations as the hon. Gentleman has sketched to us. There are, no doubt, a certain number of persons who have taken refuge in this country on political grounds; but they surely cannot be accused of entertaining any very strong sympathy for the Governments by which they have been proscribed. I can hardly conceive any class of persons who would be less likely to aid any invading or hostile Power in the plans to which the hon. Member refers. Under these circumstances I can only say that I myself have no desire to see the Executive Government at the present moment armed with any discretionary power of dealing with aliens of either a suspicious character or of any character whatever; and it is certainly not the intention of Her Majesty’s Government to propose any measure of the kind.

TERMINABLE ANNUITIES. OBSERVATIONS.

Mr. HUBBARD said, that on rising to call the attention of the House to the impolicy of raising money by Loans payable in Terminable Annuities, he would begin by thanking the right hon. Gentleman the Home Secretary for his courtesy in answer-

Sir George Lewis

ing the question arising out of this subject which he had put to him the other evening. He would now endeavour, as briefly as possible, to bring before the House the circumstances connected with the usual means by which public loans were raised for the service of this country. And first as to Consolidated Annuities. In 1855 a loan was made upon the sale of no less than £16,000,000 in Consols. The price of that loan was valued by the then Chancellor of the Exchequer at 88, and that right hon. Gentleman thought the contractor would be fairly entitled to a difference of 2 per cent for his profit and to cover his risk. He entirely agreed with that basis of calculation, and starting from that point they there had an instance in which a loan of about 14½ millions sterling was raised by the sale of 16 millions of Consols at a difference of only 2 per cent on the market price of that stock. The Consols so created enabled the country to obtain money at a rate of interests of £3 8s. per cent. The next case of a considerable loan in Consols occurred in February, 1856, when a loan of £5,000,000 was contracted at the price of 90. The saving of interest on delayed payments reduced the price to the contractor to £89 13s. 6d., and the market price of the day was 91. The interest on that loan paid by the country was £3 6s. 8d. On the 19th of May in the same year there was another loan of £5,000,000 in Consols at 93. The absolute gain to the contractor over the price of the day was £1 13s. 3d., and the interest at which the country borrowed this money was £3 4s. There were thus three instances in which over £25,000,000 had been raised in Consols at an average deviation from the market price of the day of less than 2 per cent, and at a rate of interest to the nation of about £3 7s. 6d. He submitted that that was an exceedingly moderate rate of interest; and no one would suppose that there was any other stock through which at the present moment an equal sum could be borrowed at so small a charge to the country.

It might be said that if they resorted to Consols they would make a permanent addition to the national debt. That, however, depended upon whether they ever paid those Consols off again; that was to say, whether they applied their surplus revenue to the redemption of a portion of the debt. Now, between the 5th of April, 1845, and the 5th of April, 1846, no less than £4,600,000 was used in the redemption of the national debt, and

within the year following £2,700,000 was used for the same purpose. These were rather large sums to be employed in that manner; but the House was aware of the very admirable machinery through which these operations were effected. The amount of the quarter's surplus revenue being ascertained, the Government broker received instructions under which an equal portion of the national debt was paid off; and it was remarkable that these redemptions had a very small influence on the price of stock, as might be seen by looking at the variations in Consols from quarter to quarter. It would be found that concurrently with the purchases for the Government there was sometimes even a decline in price; so that whatever may have been the cause of the decline, it was obvious that these purchases had not even the effect of sustaining the market in the face of unfavourable circumstances. He passed over the two or three years of the Irish famine as unsuitable for illustration, and came to 1849-50, when £4,000,000—and to 1850-51, when also £4,000,000—were redeemed from the stocks forming the national debt. During those two years the variations in the price of stock were not at all noticeable, the price at one time being 95, at another 97, and another 96. Therefore, as in the creation of Consols, they submitted to a disadvantage in the first instance of something less than 2 per cent, so in redeeming the same debt they paid nothing more than its market price, and the Government made no sacrifice in the operation. The merits of Consols as a means of raising money were, that they could borrow in them at a low rate of interest, and incur a very small charge through what was called the turn of the market between the buying and selling. Now, allowing 2 per cent to be lost in the first instance by the turn of the market, and assuming 2 per cent more to be ultimately lost before they replaced the Consols through the medium of the National Debt Commissioners, that would give 4 per cent, which, spread over a period of thirty years, would be equal to $\frac{1}{4}$ per cent added to the interest. Taking, therefore, the average interest through a period of years at £3 7s. 6d., and adding $\frac{1}{4}$ per cent as the disadvantage by buying and selling, they would have £3 12s. 6d. as the entire cost to the country of raising money by means of Consols.

It was notorious that Exchequer bills could not be thrown in large quantities

on the market at any one time without diminishing the value of the large amount already there, and therefore he assumed that Exchequer bills were not suitable for the purpose, although the low rate of interest which they bore—only 2½ per cent—made them a remarkably cheap medium of raising money. With regard to Exchequer bonds, he regretted that apparently the feeling of the country, or, at all events, the feeling of the House, was unfavourable to the continuance of that form of security, and he had even heard the Chancellor of the Exchequer reproached for not having prepared to pay off the £1,000,000 of Exchequer Bonds which remained of those which were put in circulation some years ago. Having been in a position to know the idea which the right hon. Gentleman attached to them at the period of their first issue, it was his conviction that those bonds were created in order to become a convenient and permanent mode of representing a portion of the national debt, by increasing the attraction of public securities for a large number of investors, and so serving the public interest. He thought that Exchequer bonds only required to be in larger numbers to obtain a permanent standing and an easy market circulation, and that if a larger number had been issued, or were issued now, it would have that effect. As an individual he should deem exchequer bonds to be a perfectly legitimate and convenient mode of raising any large sums which, by hypothesis, the country might hereafter have to raise.

Leaving those securities, he came to a class of which the use was very questionable—namely, terminable annuities. The annuity to which the noble Lord the First Lord of the Treasury alluded the other day, and which was called the dead weight, was for £585,745. That annuity was taken by the Bank in 1823, at a time when the Funds were exceedingly disturbed—in fact, so disturbed that he confessed he had been unable to do more than make an approximation of the value when comparing the rate at which it was taken and the rate then receivable on Consols. But, seeing that the rate of interest which was derived from the investment at that period was £4 2s. 1d., he assumed that the annuity yielded a return somewhat more advantageous than would have been derived from an investment in Consols at the same period of the year. With regard to this annuity, he wished to mention a circumstance

in proof of the inconvenience of using terminable annuities as a means of investment. When the security was first acquired by the Bank it yielded, as he had said, £4 2s. 1d. per cent. In 1842 an income tax was for the first time imposed, and it was imposed through the medium of an old Act of Parliament full of the most grievous defects, one of which was that it indiscriminately taxed capital and interest. The effect of the imposition of the income tax on the dead-weight annuity in the hands of the Bank was that instead of receiving £4 2s. 1d., which they had done up to 1842, they were obliged to recast the whole schedule of their affairs, and to rate the annuity as producing only £3 18s. 2d. In April, 1847, a further change, and an aggravated change, in the income tax, forced the Bank again to recast the value of their property, and to rate the annuity at £3 15s. 6d. In 1854, from a similar cause, they were obliged to reduce it to £3 9s. 7d., and in 1855 they were again obliged to reduce to £3 1s. 9d. Then he was happy to say the grievance was slightly relieved, and the annuity acquired a more promising aspect. But when the House observed that the value of that security was reduced from £4 2s. 1d. per cent to £3 1s. 9d. per cent through the confiscation of capital, they would see how grievous was the income tax, and how utterly impossible it was for capitalists to look with favour upon a security which was subject to an operation such as he had described.

The next annuity to which he had to draw the attention of the House was one which in the year 1834 was created and left in the hands of the Bank of England. The history of it was very remarkable. In that year the Bank of England had to receive from the Government one-fourth of their capital which they had lent to the Government. The sum was £4,080,000, and they in the first instance agreed that it should be paid in Reduced Three per Cents at 90. From some cause, the origin of which he could not trace, instead of receiving those Reduced Three per Cents the Bank received ultimately an annuity of twenty-six years, that annuity being calculated at the same rate of interest as the Three per Cent Annuities would have returned. An annuity of £212,783 12s. was inscribed as representing the repayment of the debt to the Bank. Not only was the interest of that annuity seriously affected as he had described by the imposition of the income tax, but during the

last six years and-a-half of its existence, a sum of not less than £60,000 was confiscated from the capital of the Bank, that was to say, a sum of £60,000 was never paid at all, having been confiscated through the medium of the income tax.

The next annuity to which he should call attention was what was known by the name of the Long Annuities, and the Long Annuities were created at various times from 1780 to 1860, and in 1860 they all expired. He had no means of tracing the precise terms upon which they were created, but when the income tax was enforced, the investors being frightened, they were subjected to a diminution in price considerably exceeding the immediate pressure of the tax itself. The investors protected themselves not only against the tax of which they knew, but against the tax which they apprehended and knew was just possible.

He next arrived at the last instance more recently before the House—the annuity which was incorporated with the £16,000,000 of Consols as the consideration for the loan of £16,000,000 made in 1855. He here again referred with acknowledgment to the right hon. Gentleman the Secretary for the Home Department, whose answer he had already noticed, but he was obliged to state some particulars at variance with the right hon. Gentleman's calculations. He entirely agreed in the estimate of the deduction which the contractor might fairly take for his risk and profit, and he found even that the estimate was corroborated by the state of the price current in the month following. The loan was contracted on the 20th of April, 1855, and on the 20th of May, 1855, while Consols were precisely at the same price, 90½, the annuity was quoted at 2 per cent premium. The fact might be taken as established, and if so, they had these *data* to go upon. The value of Consols on the 20th of April, 1855, the day the loan was made, was 90. The allowance for the contractor's risk and profit was 2 per cent. That left 88 as the value of Consols, under the arrangement for the loan, but the money was not given by the contractors immediately. They had the indulgence of deferred payments through the whole of the remainder of the year, some instalments becoming due as late as December, and the allowance of interest which the Government made, through these deferred payments, amounted to £1 2s. That

being deducted from £100 left £98 18s., and the value of Consols being £88 the actual price given for the annuity was £10 18s. He was obliged to state that these figures led to a result widely at variance with the result which the Secretary for the Home Department gave to them. All that the right hon. Gentleman stated on his own knowledge and his own estimate was perfectly accurate, but the computation, which he supposed was prepared for him at the Treasury, was excessively erroneous, for the right hon. Gentleman informed the House that the annuities yielded an interest of only £3 15s. per cent, whereas the real interest which those annuities yielded, or in other words the rate of interest paid by the Government in the thirty years annuities, was no less than £5 4s. 2d. per cent. That was the last instance of the sale of annuities by the Government, and he put it to the House whether that was at all a satisfactory operation, or one which they would desire to see renewed? Why was the bargain so bad? Not merely because the form of an annuity was adopted, but because people were afraid of the income tax, which was then leviable, and of which they apprehended the continuance, notwithstanding the pledge of the Government that it should cease in 1859. One thing, however, was perfectly clear that the Government then sold these annuities at an extravagantly bad rate for the finances of the country. The right hon. Gentleman had referred to the latest price of the annuities as affording a better test of the excellence of the bargain than the price at which they were originally taken, but the present price had really nothing to do with the question. The managers of the Patriotic Fund had invested largely in the purchase of annuities, because they ran over a period of years covering the ages of the pensioners, and Government institutions did not suffer from the pressure of the income tax. The great bulk of the holders of the same stock held only very small portions, and were anxious chiefly for obtaining a certain amount of income during their lives from a safe investment. The price now quoted in the Stock lists was the price at which the dealer would supply the very slender demand which now and then occurred for very small amounts, and afforded no clue to the price at which the Government could place any important quantity. He had thus endeavoured to bring before the House the main features of the question which appear-

ed to him to be interesting at this moment — namely, the funds which, on the hypothesis of a necessary loan, it would be most advantageous for the country to adopt. He must remark, however, that the argument that terminable annuities presented an advantageous mode of raising money, because they formed a limited engagement, was a pure delusion. The circumstance that specific liabilities must be discharged at a certain period did not prevent the creation of fresh liabilities in another shape. In discharging its covenanted obligations, the country might be compelled to have recourse to some other means of raising money. The experience of the period he had been reviewing illustrated this state of things forcibly, because, although £10,000,000 of their liabilities in the shape of terminable annuities had expired and £10,000,000 more had been redeemed by the Commissioners for the Reduction of the National Debt — in all, £20,000,000 — they had borrowed £30,000,000. Thus they were £10,000,000 in debt more than they were before. In fact, it was impossible to bind the House or the country to discharge their debts positively unless there was a surplus for the purpose. It should be borne in mind, too, that in changing our liabilities from one form to another, there was always a certain waste of means. Another argument had been used in favour of terminable annuities, which was not very complimentary to the House of Commons. It was said that, unless bound down by obligations, such as terminable annuities constituted, the House of Commons would never agree to levy the taxes which were required to discharge the debt. He protested against any attempt to deceive the country through false terms as unwise in itself and unworthy of the Government. He denied that it could ever be desirable to call a portion of the capital debt interest in order to cajole the country into redeeming so much of it. To sum up the disadvantages of this mode of raising money, it appeared to him that it confounded things which were in their nature entirely distinct — capital and interest, wasted the resources of the country and cast a stigma on the intelligence and patriotism of the House. On these grounds he expressed the strongest disapprobation of that mode of obtaining funds. There was another and a simpler method, which was far preferable, and which experience and necessity had forced on every large

capitalist since the income tax was invented, and that was to make a loan payable by periodical instalments over a series of years, each payment being divided into capital and interest. The great vice of the terminable annuity system was its complexity. If they wanted to make a loan on the most advantageous terms, they should simplify the transaction as much as possible.

SIR BROOK BRYDGES said, he would beg leave to ask the Chancellor of the Exchequer when he intended to bring on the question of the Excise duty on hops?

THE CHANCELLOR OF THE EXCHEQUER: That is a question to which a great deal of interest is, no doubt, attached, but, considering that it has once been fully discussed during the present year, it can scarcely be regarded as having an urgent claim on the attention of the House. Consequently it must take its chance till other more urgent questions are disposed of. As to the question of terminable Annuities, we have heard from my hon. Friend (Mr. Hubbard) on that subject a lucid and able statement, as all his statements are. I do not wish to appear disrespectful to him in allowing it to pass in silence; and yet I fear I may appear so, in making but a single comment upon it. I cannot help expressing my great regret at the occasion which he has taken for making his interesting speech. My hon. Friend has made a speech bearing on the financial part of the proposition of my noble Friend at the head of the Government for providing for the erection of fortifications. I think it would have been more advantageous for the common purpose we have in view had my hon. Friend brought forward this question on a special occasion, instead of introducing it on the Motion for adjournment, when there are few hon. Members present, and when it is mixed up with a number of miscellaneous subjects. I shall certainly not attempt to follow my hon. Friend in the details of his statement. I must say, however, I think he has understated the effect to the public of borrowing on Consols, if you are to include in the estimate of the cost of the operation the full charge which is incurred by the public before the debt is repaid, because he has made an allowance of only $\frac{1}{4}$ per cent to cover the profit of the contractor, and the average difference of the rate at which the public borrow and at which they pay. In my opinion that average difference is enormously understated by

Mr. Hubbard

my hon. Friend. My hon. Friend has overlooked the whole argument which is advanced by those who advocate the borrowing of money by terminable annuities—namely, the spontaneous action of the repayment of the loan. That is not a matter for discussion at present; but it is one which we shall have ample opportunities of discussing. My hon. Friend has not dealt with that portion of the case. I am sure that the House is obliged to him for the light which he has thrown upon the subject; but we should have been still more obliged to him, and he would have contributed still more to assist us in our discussions, if he had availed himself of the regular and legitimate opportunity, and treated the subject when the proposition of my noble Friend is before the House.

MR. CAYLEY: When will that opportunity occur?

THE CHANCELLOR OF THE EXCHEQUER: On every stage of the Resolution of my noble Friend, and of the Bill which will be founded upon it.

STATE OF PUBLIC BUSINESS.

OBSERVATIONS.

MR. HORSMAN, in rising to call the attention of the House to the state of Public Business, especially in regard to Indian Legislation, said, the last observation of the right hon. Gentleman the Chancellor of the Exchequer suggests a repetition of the question whether we are to expect the Session to be eternal; and that is the point to which I wish to direct the attention of the House, because, unless we are prepared to look the condition of public business in the face, and take stock of it, we are likely not only to suffer great embarrassment, but also to incur no small amount of responsibility. Parliament has been sitting since the month of January, and we are now arrived at the 27th of July. The business is in an unusually backward state, and that which is most backward is the financial business. We know that after the last Supply day Parliament cannot rise for ten days. We were to have gone into Supply to-night, but Supply has been indefinitely postponed, and with it the termination of the Session. I will tell the House shortly what is at this moment the position of its financial legislation. We have passed the Navy Estimates, but a considerable portion of the Army Estimates remains. We have still to consider the Educational Vote,

which may or may not create discussion. We have still to consider the question of fortifications irrespective of the Vote of £430,000, which may possibly give rise to a good deal of discussion, and all the Votes for the non-effective service. We have still £2,000,000 to vote for the army. Of the Civil Service Estimates, which include seven classes, besides Civil Contingencies, we have almost all to vote. The whole amount to be voted was £7,492,000, and we have still £6,152,000 to vote. In those Estimates there are no less than 194 Votes, many of which will cause considerable and some lengthened discussion. Notice has also been given of many Motions upon going into Committee of Supply, the discussion of some of which will occupy a whole evening. On Monday next we go into the discussion of the question of fortifications, and it appeared to be the opinion of the House last night that that discussion would not terminate in one evening. I do not know whether the Government are likely to have Tuesday. It was stated by the hon. Member for Pontefract (Mr. M. Milnes) that that is not probable. If they do not obtain that day, next week will be mostly taken up with the question of fortifications. On the following Monday we have the discussion on the paper duty, which is likely to be a prolonged debate terminating with a division, and may take more than one night. On the next night we have the consideration of the spirit duties, upon which notice of an Amendment has been given, and we have that interesting question of hops which was raised just now, and also the malt duty to consider. Therefore we may fairly conclude that these financial questions cannot occupy less than at least a fortnight to come, and that we are not likely to have an evening for an ordinary Committee of Supply until towards the middle of August. Then comes the question whether we are likely to have a Committee of Supply in the morning. Although fifteen Bills upon the Paper and two Notices of Bills have recently been withdrawn, there are still upwards of forty Bills with which the Government are going to proceed, and which are to be discussed and passed by this House. There are many Amendments to these Bills, some of which are long ones, and one contains upwards of 300 clauses. I think that after this statement the House will feel that, even if we were in a condition for business, and everything went as smoothly as we could wish, he would be

a very sanguine man who expected Parliament to rise before the month of September. The House, however, is now in a very unsettled state as to its legislation; and I venture to say that no man who looks into the state of business can safely predict on what day, even in September, it is likely to rise. I am not speaking carelessly upon this question. I have looked very minutely into it. I have consulted high authorities, and those who are most likely to be informed upon the subject, and I believe that there is a general opinion among them that it is now very difficult to say on what day Parliament will rise. A short time ago we did hope that we might get up on the 20th, 24th, or towards the end of August. That hope is now receding very rapidly, and the mere fact that Supply is so indefinitely postponed, and that we cannot rise until ten days after the last day of Supply, show how distant is the prospect of our adjournment.

It is a very serious thing that so much of the most important legislation—especially the financial legislation—of the country should be put off till the last week or fortnight, or three weeks of the Session. It is a great public injury and wrong, and I do not hesitate to say that if it had been the practice of Governments in former times it would of itself have produced a cry for reform which could not have been resisted. I know no greater injury that can be inflicted upon the country than that you should have four or five months wasted upon measures which are not passed, and that all the most important financial and other legislation should be hurried over in the last two or three weeks of the Session. Then, as if this was not enough, we have now before us—what is an entirely new sphere of legislation—five Bills on Indian subjects, and are expecting two more. [An hon. MEMBER: The Indian Budget.] Yes, and the Indian Budget, of which no notice has been given. This is a point upon which I do not wish to touch on this occasion in any spirit of criticism or hostility towards the Government. I wish to place before them exactly the facts which are deserving of consideration, and if the noble Lord at the head of the Government will have the goodness to listen to me, without prejudice as without partiality, I think that I can convince him that he will consult the honour of the Government as well as the convenience of the House by not pressing those measures. I

wish to show the noble Lord that the Government is in a false position upon this question of Indian legislation, because I think I can prove to the common sense of every man in the House, that whether from inadvertence or from whatever cause it may be, they have not complied with the requisitions of the Act of 1858. If that is so, I am sure that they will do best at once to acknowledge their mistake and withdraw the measures which they have introduced. The House must remember that in the Act of 1858, hasty and imperfect as that measure was, Parliament showed its sense of the magnitude of the question and of the difficulties and responsibility which attached to the administration of our Indian Empire, and endeavoured to establish securities for making that administration in time to come effective. The great security which it endeavoured to establish was giving to the Secretary of State the assistance of a Council of experienced men, who might aid him in the administration of Indian affairs. Parliament looked forward to the possibility of a Secretary of State being appointed without previous knowledge of Indian affairs, and who might be chosen rather from political considerations than on account of his fitness for the office, and it therefore thought it wise to provide that he should have the assistance of a Council of able, experienced, and distinguished men who were sure to possess the knowledge which very possibly he might lack. But the views of Parliament were so much better stated by the noble Lord the Foreign Minister, who took a prominent part in the legislation of that day, than I can hope to do, that with the permission of the House I will read his remarks. The noble Lord said :—

“No one can overrate the benefit to be derived by the Government of India if the Secretary of State were assisted by eminent men intimately acquainted with Indian affairs.”

And he states in another place :—

“I cannot imagine that the Secretary of State should be so unwise as to restrict the members of his Council to mere routine duties, burying them beneath the load of papers which arrive from India, setting them to work which might be as well performed by under-secretaries and clerks, and not consulting them on all points of Indian policy. The Secretary of State who acted in such a manner would ill discharge his duty. I think the Secretary of State may derive most valuable assistance from his Council with regard to important questions of policy, revenue, administration of justice and war. The Council ought to be independent. The Bill, therefore, contains these two elements of a good measure—a Secre-

Mr. Horsman

tary of State who is supreme when he chooses to be so, and an independent Council who can give him advice.”

That was wise and sound doctrine, and in that Act Parliament carried out the views so clearly explained by the noble Lord. The Act of Parliament, when it comes to the duties and procedures of the Council, says :—

“The Council shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United Kingdom in relation to the Government of India.”

There can be no doubt as to the meaning of that clause, which is, that in all matters of Indian administration the Secretary of State shall act with the assistance and advice of the Council. The Act goes on to say :—

“All powers by this Act required to be exercised by the Secretary of State in Council, and all powers of the Council shall and may be exercised at meetings of such Council, at which not less than five members shall be present. . . . Meetings of the Council shall be convened and held when and as the Secretary of State shall from time to time direct ; provided that one such meeting at least be held in every week.”

It goes on further to say :—

“In case of difference of opinion on any question decided at any meeting, the Secretary of State may require that his opinion, and the reasons for the same, be entered in the minutes of the proceedings, and any member of the Council who may have been present at the meeting may require that his opinion, and any reasons for the same that he may have stated at the meeting, be entered in like manner.”

The House will observe how careful Parliament was that everything that was done by the Secretary of State and by the Council should be recorded, and recorded, moreover, expressly for the information and subsequent judgment of Parliament. The Act goes on to say :—

“Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom by the Secretary of State under this Act, shall, unless the same has been submitted to a meeting of the Council, be placed in the Council Room for the perusal of all members of the Council during seven days before the sending or making thereof, except in the cases hereinafter provided ; and it shall be lawful for any member of the Council to record in a minute-book, to be kept for that purpose, his opinion with respect to each such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State.”

Then comes the 25th clause, to which I beg the special attention of the Government and the House. It is a clause with which I think the House will agree with

me in saying the right hon. Gentleman, the Secretary of State, has not complied. It is as follows :

“ If a majority of the Council record, as aforesaid, their opinions against any Act proposed to be done, the Secretary of State shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.”

The House will see the peculiar importance of these provisions, and the excessive care with which Parliament at that time entered them in the Act. The reason is obvious. We felt the responsibilities, difficulties, and dangers of Indian administration. We appointed a Secretary of State who should have the assistance of a Council. When they differed the Council were on their part to record the reasons of their difference from the Secretary of State; and the Secretary of State was on his part to record the reasons for his not acting in accordance with the opinions of the majority of the Council. The object was that when any measure was submitted to Parliament, Parliament might see the reasons on the one side and on the other; and, exercising its own power of review, it might upon that full information, form its own judgment as to the course which the Legislature should adopt. I do not think that, upon these points, there can be any difference of opinion.

But now I shall show the House the very false, embarrassing, complicated, and inconvenient position in which we are placed by the recent Indian legislation, or attempt at legislation. I think it is manifest, considering the difficulties of the subject, that Indian Bills should be brought before us after due consideration, and with ample time given to the House for the discussion of all their principles and details. What has happened in the course of the present Session? We have at the present moment five Bills before the House. Notice was given of two others, which have, however, subsequently been withdrawn. There is another Bill coming down to us from the other House, and we have found it impossible as yet to extract any answer as to when or whether there is to be a financial Budget submitted to us, although I understand it is intended to raise an Indian loan. What are the dates of the Bills actually before us? The Indian Army Bill, which, in my opinion, is the greatest change that has been made in any part of Her Majesty's dominions within our recollection, was read the first time on the 21st of June. The East India Stock Bill was

introduced on the 10th of July. Notice was given of two Bills, of which it would be difficult to exaggerate the importance, especially of the one regarding the Civil Service. Those Bills were to have been introduced on the 23rd of July; but from the opposition which was threatened, and the objections which were made, the Secretary of State withdrew that notice. The Superannuation Bill was introduced on the 24th of July, and the Senior Member of Council Bill, and the Admiralty Jurisdiction Bill, were brought in on the same day. So that six of the Indian Bills were intended to be introduced after the 23rd of July. We have asked whether there is to be a financial Bill. I have repeated that question twice, but we cannot get it answered, and when the financial Bill is introduced, if it is to be introduced, it will be at a time when three-fourths of the Members of this House will have left London, and when they will not have an opportunity of even seeing the Bill. The Secretary of State stated the other night the reason why he had introduced his Bills so late. He said there was a great deal of business going on in the early part of the Session, and he waited until the paper was somewhat cleared. That a Gentleman of his official experience should believe that as the Session lengthens the bill of fare is shortened, is, to say the least, rather curious. My experience of the House tells me that the nearer we approach August, the Orders of the Day become more numerous and more difficult to get through. But, as a proof of the obscurity in which Indian legislation is involved, I may cite the Bill which I hold in my hand, and as to which I gave notice to the Secretary of State that I would to-day ask a question. I learn from the Minutes of the other House, that a Bill has there been introduced under the extraordinary title of the Coast of Africa Amendment Bill. What does the House think this Coast of Africa Amendment Bill is? It gives power to the Secretary of State to transfer the whole of Her Majesty's dominions in India to the Colonial Department. It is a Bill ostensibly to amend an existing Act for the government of our settlements on the coast of Africa and in the Falkland Islands; but it is so framed that it will have the effect I have stated. After reciting that—

“ Whereas by an Act passed in the 22nd year of the reign of Queen Victoria, entitled, an Act for the better government of India.”

And that—

“Whereas it is expedient to withdraw some of the said territories in India from the operation of the India Act.”

It enacts—

“That it shall be lawful by an order to be by Her Majesty made, by the advice of her Privy Council, to order that any of the said territories mentioned in such order shall be withdrawn from the operation of such Act.”

The meaning of the Bill so far I do not think will be very clear to the House. But it goes on to say that the provisions of the said first Act (namely, the Coast of Africa Act) shall be extended to all territories so withdrawn as aforesaid, and to all the possessions of Her Majesty, not having been acquired by cession or authority, &c. So that in fact power is given in this Bill to transfer the whole of Calcutta and our Indian empire to the Colonial Government. I believe the fact to be that some time ago it was considered desirable to transfer an outlying part of the Indian dominions, on the Straits near Singapore, to the Colonial Government, and this Act was brought in for that purpose; but, instead of taking power to transfer that territory only, the Secretary of State for India proposes to make away with the whole of our Indian empire. I believe I am correct in stating that this Act has not yet been submitted to the Council of India. I will only ask when all these Bills are introduced so late in the Session, whether the responsibility of the Secretary of State is not immensely aggravated by the fact that the most important of these Bills has not been submitted to the approbation of the Council of India. Is not that another reason for asking the Government to postpone legislation of this kind?

The real point, however, is whether the Secretary of State for India has complied with the provisions of the Act in having neglected to produce the recorded reasons of the Council of India, and his own recorded reasons for acting in opposition to their opinion. The Secretary of State in a previous debate said he did not feel that under the provisions of the Act it was necessary to consult the Council. He said, “I am only bound to consult them in the acts I perform as Secretary of State, but this amalgamation is not the act of a Secretary of State, but of the Cabinet, and therefore I am not bound to consult my Council upon it.”

MR. SPEAKER said, that a reference to a past debate, and an attempt to answer

it, was directly contrary to the rule of the House.

MR. HORSMAN: The right hon. Gentleman has published his reasons.

MR. SPEAKER said, he had understood that the right hon. Gentleman was replying to the reasons given by the Secretary of State in a former debate.

MR. HORSMAN: The right hon. Gentleman has published his reasons. He has avowed them in writing, and they are on the table of this House. [Sir CHARLES WOOD: Hear, hear!] The distinction he draws is that if he does an act as Secretary of State he is bound to consult the Council, but not if he does an act as a Member of Parliament. But what is the common sense of the Act of Parliament? Does it not intend that the Secretary of State for India shall be the adviser of the Cabinet on Indian affairs? And does it not also intend that the Council of India shall be the adviser of the Secretary of State? Above all, if a question be so important as to be raised to the rank of a Cabinet question, does it not obviously follow that the more important the question the more essential it is that the Secretary of State shall have the advice of the Council? The intention of the Act was that every Act of Indian administration—still more every important Act—should be submitted by the Secretary of State to the Council, and that he should obtain their advice and communicate it to the Cabinet. The Secretary of State may, no doubt, override the Council, but in that case Parliament has provided that he should record his reasons, so that Parliament may judge of their sufficiency. It is said that the right hon. Gentleman introduced this Bill, not as Secretary of State, but as a Member of Parliament. That, however, is a most untenable doctrine. We never heard of a Chancellor of the Exchequer bringing in a Budget merely as a Member of Parliament, or of the noble Lord the Foreign Secretary making a speech on foreign affairs as Member for the City of London. Every separate departmental act is done on the responsibility of the Minister who is the head of that department, and the Secretary of State is bound to comply with all the provisions of the Act of Parliament. I say that the right hon. Gentleman has disregarded the provisions of the Act. He has evaded the intentions of Parliament, and as he stands before the House in the position of not having complied with the law,

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that is a good ground for refusing the legislation he proposes, and also affords a ground to the Government for withdrawing the Bill. At the late period of the Session at which we have arrived, when it is impossible for a full consideration to be given to a tithe of the business on the table, I put it to the House whether we ought not to urge the Government to clear away this large branch of Indian legislation which has been hastily entered upon, and cannot now be satisfactorily settled.

SIR CHARLES WOOD: I have to thank the right hon. Gentleman, in the first place, for having given me notice of his intention to allude to the subject of Indian legislation; and, in the next, for the calm and temperate tone in which he has made his remarks. Before I advert to the more serious part of the right hon. Gentleman's speech, I hope I may be permitted to dispose of the matter relating to a Bill now in the House of Lords, the account of which excited, not unnaturally, the amusement of the House. I must disclaim any responsibility for the preparation of any portion of that Bill, which I never saw until I received a copy, sent to me by the right hon. Gentleman this morning. The fact is, the Colonial Office proposed to introduce a Bill for the purpose of amending the Law relative to the Governments of the coast of Africa and the Falkland Islands. A question has been pending for some time as to the advantage of transferring the Strait settlements from the Indian Government to the Colonial Office, and a petition had been received from the inhabitants of Singapore in favour of that island being so transferred. So far as the Government of India were concerned, we were quite willing to accede to that arrangement; and after taking the opinion of the Governor-General, we intimated to the Secretary of State for the Colonies our approval of the transfer. To that letter we have received no answer. However, it seems that the Under Secretary for the Colonies prepared this Bill, and inserted in the draught certain words to which the right hon. Gentleman has referred, thinking it might be a convenient opportunity for taking Parliamentary power transferring Singapore to the Colonial Office. The Bill was brought to the India House, and the Assistant Under Secretary, Mr. Melvill, sent an answer back that it was impossible that those provisions could be admitted into the Bill. The copy sent to the India House was a

mere draught copy; but by inadvertence, as it appears, the Bill was introduced into the House of Lords containing the words in question. The India Office, however, had nothing to do with it.

With respect to the other four Bills to which the right hon. Gentleman has alluded, two are of pressing necessity, the object of the first being to remove doubts as to the authority of the senior Member of Council, which have only recently arisen in consequence of Sir James Outram being obliged to leave Calcutta for ill-health; and that of the other to make provision for the payment of the superannuation allowances of persons who have served both in England and India. The purpose of a third Bill is to provide a great convenience to the public by transferring to the Bank of England the payment of the dividends of the East India Company; and I do not think that these are Bills of a nature requiring a great deal of discussion. But the main and more serious part of the right hon. Gentleman's speech referred to my conduct in introducing Bills to Parliament without the concurrence of the Indian Council, and he quoted the words of the Act of Parliament correctly enough on this point, though he appears to have misapprehended their effect. I perfectly agree that as Secretary of State for India, I must, except in a particular case, act with the Council; but the 23rd Clause prescribes the course of proceeding. It declares that at a meeting of the Council, at which the Secretary of State shall be present, his determination is, in certain matters, to be decisive, and the members of the Council, as well as the Secretary of State, may record their opinions whether they dissent or assent. But there is no obligation upon them to record their opinions unless they like. The words of the clause are these:—
 "And in case of difference of opinion on any question decided at any meeting." It follows, therefore, that the question must be submitted to and decided at the Council, in which case, if any difference of opinion arises, the Secretary of State and any members of the Council may require that their opinions and reasons should be entered in the Minutes of the proceedings. The 23rd Clause comprehends all that relates to the proceedings which take place in the Council. Any matter brought before the Council must be dealt with in the way prescribed by that clause, and in no other way. The 24th Clause provides for cases in which the Secretary

of State takes a step without submitting it to the Council. It declares that every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom by the Secretary of State shall, unless the same has been submitted to the Council, be placed in the Council Room for the perusal of the members during seven days before the sending or making thereof; and all the members of the Council may record in a minute-book their opinions with respect to such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State. Nothing is more clear than that it is in the power of the Secretary of State to address a letter to India without submitting it to the Council. But, before he sends the letter, he is bound to place it on the Council table for seven days previously, and every member may record his opinion, a copy of which is to be sent forthwith to the Secretary of State. That is to provide for many cases which might arise, such as the absence of the Secretary of State; and in these cases the opinions of the Council must come before the Secretary of State before any such letter could go out. The 25th Clause also prescribes what is to be done by the Secretary of State in such last mentioned case; a majority of the Council record their opinions against his proposal, namely that if he does not defer to their opinions, he shall record his reasons for acting in opposition thereto. Thus it will be seen that the 23rd Clause points out the course of proceeding where a measure is brought before the Council. The 24th and 25th Clauses prescribe the *modus operandi* where a measure is not brought before the Council. And this is the first time I have heard the interpretation put upon the Act by the right hon. Gentleman, for in the Council itself, as far as I am aware, no one has entertained such an opinion. It has never been claimed by any member of the Council that I am bound to record my reasons, in the event of my overruling the majority of the Council, provided the discussion takes place in the Council.

MR. HORSMAN: The dissents of the Council have been presented to Parliament.

SIR CHARLES WOOD: That is perfectly true. When the Council disapprove any step taken by the Secretary of State in Council they are empowered to record their dissent; and, in like manner, the

Secretary of State may require that his opinion should be recorded, but he is not obliged to do so. Well, I proposed to send a letter to the Commander-in-Chief to suspend recruiting. That was an executive act of the Secretary of State. Some of the Council objected to the letter, and all of them had a right to record their opinions. The case is clear enough. If the matter is discussed in Council the members may record their opinions or not, as they choose; if it is not discussed in Council, then, supposing that the Secretary of State acts by himself in opposition to the majority of the Council, he is bound to record his reasons. I am speaking in the presence of the noble Lord (Lord Stanley), who will, I think, concur in what I have said; and this is an answer to the legal question raised by the right hon. Gentleman. In my executive capacity I am bound to consult the Council; but in bringing forward a measure on the authority of the Government I maintain that I am not bound to consult the Council. I am speaking of the obligation to consult them, and to do so in such a way that they may record their opinions.

The question of the Indian army, on which this matter arises, was not a question which the Council could deal with. It was a question to be decided by the Government and by this House, and in a matter of the kind I was not fettered by the obligation of consulting the Council. I confess that I think it would have been wrong if the Act had contained any such obligation. On a former occasion I held the office of President of the Board of Control, and as such I constantly introduced Bills without consulting the Company; and the change effected in the government of India, in 1853, was brought forward by me on the authority and responsibility of the Government. As I have always understood it, the Act of 1853 was to give more direct action, and to impose greater responsibility on the Minister for India; yet if the construction put upon the Act by the right hon. Gentleman were adopted, the Secretary of State would be more fettered than the President of the Board of Control was. Such a construction, therefore, is in utter contradiction to the whole spirit of the Act. Upon this question of the Indian army allow me to observe that there is no difference of opinion between the two great leaders of party in this House. In a speech delivered by the right hon. Gen-

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tleman (Mr. Disraeli) in 1858, I find him expressing this opinion:—

“A few nights ago I announced that it was our intention to ask for a Royal Commission to examine into the whole question of the reorganization of the Indian army, and when the result of their labours has been submitted to the Government, the Government will come to a conclusion which, no doubt, the new Indian administration in England will be most useful in carrying into effect, but we cannot leave a subject of that magnitude to the mere domestic Government of England or India, and that, and other questions of the like importance, must be dealt with by other means, and provided for by different machinery.”

The clear meaning of these words is that the question must be decided upon by the Government. The Government would have introduced a Bill, and the right hon. Gentleman said, as I do, that the Indian administration in England would be most useful in carrying it into effect. My noble Friend acted in precisely the same way. The late Government came to a decision on the subject of the Indian army. It was never brought before the Council; and, as I read the Act, I do not think it contained any obligation to do so. As the late Government proposed to act, so have we acted, and in doing so I think we have taken neither an illegal course nor one contrary to the spirit of the measure of 1858, or the intentions of those who introduced it. I did not act upon my own responsibility, but in conjunction with the whole of my Colleagues in the Government, and I say that it would have been contrary to the whole scope of the Act of 1858 to have done otherwise. When the right hon. Gentleman counsels delay I beg him to bear in mind the fact of the case. If we are wrong, reject the Bill. I quite agree that this is a most serious and important Bill. The gallant Member behind me (Colonel Sykes) says the safety of India depends upon it. So say we. But he considers the safety of India is involved in the maintenance of a local army, while we think it would be promoted by the adoption of one uniform army. The subject is of vast importance. We, of course, feel it, and we feel also our responsibility. We have as an act of public duty introduced this measure, or we should not have involved ourselves in this course, and I should not act, as I regret to do, in opposition to the opinions of the noble Lord who preceded me in office, and against the wishes of many members with whom I have to act in the Indian Council, but I

have been actuated by an imperative sense of duty.

The question has been asked who requested this measure—who wants it? My answer is that the great majority of this House approve it. 282 Members voted for it, 51 against it. The right hon. Gentleman may have a contempt for majorities, and may consider his wisdom superior to the collective wisdom of the House; but as the only mode I know of taking the collective opinion of the House is by majorities, and when we have a majority of five to one in favour of this Bill, I am justified, despite the right hon. Gentleman's sneer, in saying that the collective wisdom of this House has approved the course we have taken. I have heard no one who is acquainted with the position and feelings of officers in India who does not deprecate delay above all things. Decide the question in one way or another, but decide it, for there is a perfect stagnation in the army in India, and a feeling of discontent has arisen, which will certainly not be lessened by any protracted delay. They say, “Decide against us if you will, but decide at once, and let us know what our prospects are for the future.” I will conclude by quoting the words of Sir Bartle Frere, a distinguished Indian servant, and a member of the Council of the Governor General, whose opinion is adverse to the course we are taking, but who, above all things, desires that some decision should be come to. Sir Bartle Frere says:—

“The feverish uncertainty as to their position and prospects of any large body of public servants is, under any circumstances, a great evil, and I believe in the present case that, unless it be allayed by a settlement of the questions now pending, which so vitally affect the officers of the army, it may prove the root of national calamity.”

I will only further beg hon. Gentleman who appear here as the advocates of officers in the Indian army, whose position and emoluments we do not propose in any way to injure or diminish—I would beg those hon. Gentlemen to bear in mind that delay is the great evil. Reject the Bill if you will, but let us not have protracted discussion and delay. I believe an adverse decision would be ten times better than continued suspense.

MR. T. BARING: If this measure be of the high importance which the right hon. Gentleman attributes to it—and I, too, believe it to be of that importance—then I must say we could not discuss it

under more unfavourable circumstances. If Her Majesty's Ministers attach to the safety and good government of India that importance which they now allow it to possess, why was this measure introduced so late? The noble Lord has told us that he considers this question of such importance, that he will sit here until Christmas to dispose of it. I have no doubt that in such agreeable company all here would be willing to sit until Christmas. But whether we sit till Christmas or not, I trust that we shall sit long enough to consider and understand a measure the great importance of which the right hon. Gentleman allows. But if they believe it to be so important, has the conduct of the Government been consistent with that belief? When did they first feel a sense of the importance of this subject? Was it in June, when they introduced the measure? Was it in July, when they gave information about it, or when they gave the successive details demanded by this House? Let the House remember, if this measure possesses the importance now attributed to it, it was the duty of the Government to anticipate its introduction by giving every possible information. We should have had information as to its necessity, as to the opinions of those who were conversant with the state of India and the sentiments of those who had long experience in that country, as well as of the details by which this measure will be carried out. I never believed that the right hon. Gentleman, nor any one in office, would conceal information; but I do believe that the Government of India now do not attach that importance to the duty of giving information to this House which the change in the mode of administration of Indian affairs has rendered necessary. Recollect how India is now governed. It is governed by the House of Commons. Perhaps it is not so easy to govern it thus, and possibly my right hon. Friend feels the difficulty of governing it in that manner. What do we see now? In all that relates to the ordinary government of India this House takes little apparent interest, for it is usually almost empty when these matters are disposed of, and we shall only have a full House when some subject which agitates the public mind and excites public feeling is brought under discussion. We find now a measure of the greatest importance to India introduced in the month of June or July, at the latest period of the Session. The financial measures relating to India are only intro-

duced when there is no one here to listen to them, or to question their correctness. But, if this House is to govern India, it is incumbent upon the Secretary of State to furnish us with ample information as to the necessity for the measures he introduces. But has that course been pursued here? We have had tardy information, we have had the reasons for dissent on the part of the Council but lately laid before us, and when my right hon. Friend talks of his majority of five to one for the second reading, let me ask what has been the effect of those reasons for dissent upon the minds of many hon. Members who formed a part of the majority? Let me ask whether all those hon. Gentlemen are now convinced of the necessity for what the right hon. Gentleman calls a uniformity of organization of the army, or that a mere question of symmetry justifies this great measure. The country will ask why did you do this, and how will you carry it out? We now know nothing of the system of organization and regulation to be adopted in India. We have this Bill brought in in July with very imperfect information as to the motives of the Government in introducing it in opposition to the unanimous opinions of the Council. My right hon. Friend says that technically, by the Act of Parliament, he is not bound to express his reasons for dissenting from the opinions of his Council. In point of fact, he says he is not bound to pay attention to his Council. But the House has more right to say, if he does not give answers to his Council, he ought at least, at an early period of the Session, when there is time for consideration, to record his own opinions in his place in Parliament. He says the Council can state their opinions, but he is not bound to answer them; but if there ever was a department of the State in which it was incumbent upon him who is at the head of it that he should clearly expound his opinions and state the reasons on which he introduces a Bill in this House, and in time for full discussion, it is that over which my right hon. Friend presides, and particularly so as you have excluded from this House the members of the Council. When you have debarred those who could give information on the subject from this House—when he is the sole organ of that Council, it is the more incumbent on him to afford every information. I ask any one who reads these papers, has any information been afforded to the House and country in time to allow us to legislate

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fairly on this subject? Is the state of the House and public business such as enables us to perform our public duty to India? Is it fair to India that you should change a system which has lasted so long and achieved so much, and against which so few charges can be brought—the sole blame being that they believed in the noble Viscount, as to the demand for fresh enlistment money? Is it, I repeat, fair to India, is it honest to England, is it just to this House, at this period of the Session, when hon. Gentlemen and the public at large are but gleanings the crumbs of information the Government have thrown out to them, that we should be called upon to adopt a measure in haste, which, if it passes this House, must pass not, I trust, owing to the ignorance of hon. Members, but through the scanty information afforded to them, and which must pass through “another place,” where it can hardly be fully discussed, but where information will be given which will not tell to its advantage? Is this the moment to ask the House to legislate on a matter which the right hon. Gentleman (Sir Charles Wood)—which the noble Lord (Viscount Palmerston)—which everybody who knows anything of India must be aware is a question vitally affecting the maintenance of our Indian Empire? Why, if there be any danger in delay that danger rests on the Government. Why did they bring in this measure so late? But we are told adjournment is worse than rejection. We know well by experience that is not the case. Adjournment brings reflection. We know it is not by a hasty decision, it is by the consideration of every question, by stating the reasons for every measure—not by adopting any proposal merely because it is the offspring of this or that Government, but by a system of legislation which is the child of knowledge, of statesmanship, that you can alone maintain the empire and promote the welfare of India.

VISCOUNT PALMERSTON: Sir, I concur with the right hon. Gentleman who brought this subject under our consideration in regretting that so much business, so much important business, has accumulated so late in the Session; but at the same time I would repudiate the accusation which by implication he has made against Her Majesty's Government of being the cause of that accumulation.

MR. HORSMAN: I avoided saying anything about that.

VISCOUNT PALMERSTON: Just so. Everybody knows, and therefore it is needless to refer to it, that in the early part of the Session questions undoubtedly of very great importance and interest, which it was the duty of Her Majesty's Government to bring under the consideration of the House, tended to produce the result which in common with the right hon. Gentleman I certainly regret; but when he goes a step further and endeavours to make out of that state of things a reason why measures of great importance now pending should be thrown over and postponed till another year, I cannot acquiesce in the conclusion he thus draws. It is true, no doubt, that satisfactorily to dispose of the bulk of business which still remains to be transacted, it may be necessary for the House to sit till a later period than perhaps is the usual course of business in this House; but, at the same time, we have only to look back to former years to see that it is not unexampled that the business of the House should not be concluded till nearly the termination of the month of August.

The moral I should draw from the statement of the right hon. Gentleman is, not that the House should fly from its duties, and from lassitude or impatience to get away neglect to dispose of matters which it is competent to deal with, but that hon. Gentlemen should set their shoulders to the wheel, devote their minds really to the transaction of business, and abstain—I do not mean anything disrespectful or disparaging—from taking up more of the time of the House than is necessary for the useful and practical enforcement of the opinions which they entertain, and of the arguments by which those opinions are to be supported. But now I must say that what has passed this evening is rather a departure from the course which I should join the right hon. Gentleman in recommending, because we have as the first Order of the Day, after disposing of the Motion of adjournment till Monday, the India Army Question. Well, that has been the subject of discussion for now a considerable period of time upon the Motion for adjournment. The hon. Gentleman who has just sat down has made an animated speech, not specially on the question of the Indian army amalgamation; but he even went back to the question settled two years ago, the abolition of the East India Company. A great portion of that speech was occupied in en-

deavouring to show that Parliament ought not to have made the change they did make. I submit that that question would have been infinitely more appropriate if the hon. Gentleman had waited till the Speaker left the chair on going into Committee on the Amalgamation Bill, and that discussing by anticipation the measures which are coming on in the regular order is not a practice which tends to the despatch of business, or to bringing the Session to a termination at an early period. Having said this much, Sir, I should be really acting against my own opinion if I went at any length into the statement which has been made; but I must take leave to say that I think much of the argument used on this Indian question rests on what appears to be an entirely false conclusion—namely, that there are to be two Governments in this country, one the responsible Government, responsible for the conduct of all the affairs of the empire, and the other an irresponsible Government, to be established peculiarly for the government of India. Because if it is not true, as quoted by the right hon. Gentleman from a speech of my noble Friend last year, that the Secretary of State for India is to be supreme in his Council, if the Council is to be a co-ordinate authority, not responsible to any human being, then that Council being appointed by the Act—very unfortunately, I think—for life, you are establishing an *imperium in imperio*, you are establishing a Government totally at variance to the fundamental principles of a representative Government and free constitution. There cannot be a more unconstitutional doctrine entertained than to contend that the opinion of an irresponsible Council is to be taken against the opinion of the responsible Government of the country for the time being upon questions of this Imperial and extensive character. I quite concur that the amalgamation of the Indian army is a most important measure. Important it is in one sense. That is to say, my opinion is, and always has been, that the creation and maintenance of a large local army in India is pregnant with the utmost danger to the maintenance of our Indian Empire. I have been asked whence I derived that opinion. My answer is, I derived it from my own convictions. It is an opinion I entertained very strongly from the moment the subject was first mooted. That opinion has been strengthened every day—strengthened by what has been said in its favour—strengthened

also by much that has been uttered against it. It is all very proper to have a local force of a small amount in a particular colony. You may have a small local force at Malta, or at the Cape, or in Canada, but to constitute, as it is now proposed, a local army of 40,000 men in India, irremovable from that country, would be, I say, to deliver the destinies of India into the hands of a prætorian band, a course pregnant with the utmost danger to the Imperial authority. And I contend that there could not be a more fatal proposal adopted by this House with regard to that great and important empire. Therefore I meet the question as one of the utmost importance, but important in quite a different point of view to that in which hon. Members opposite regard it. However, I will not go into that question now. We have been discussing the question of adjournment for four hours, only twice as long as the time occupied by my right hon. Friend, in explaining at full length all the reasons upon which he founded his proposal. My right hon. Friend, on the 12th of June, stated here at full length all the reasons, and I never heard a more masterly speech than he made on that occasion, taking as he did a general and comprehensive view of every bearing of the question; and now he is reproached by hon. Members opposite, who probably did not hear the speech, with not having stated the full grounds for his measure. I should merely entreat the House to permit us to get rid of this Motion and go into Committee on the Bill, when every hon. Member will have a most appropriate occasion for expressing his opinion. We think the measure so important that if the House is not able to come to a decision on its merits to-night, I shall think it my duty to postpone the Motion on the Fortifications, which stands for Monday, to go on with this question instead. I hope, however, that the House will come to a decision to-night.

MR. DISRAELI: Sir, there have during this discussion been some observations made on the general state of business in this House, and the causes which have led to it, which it would not be consistent with my duty that I should pass over in silence. In rising to notice them I am unwilling to refer in any way to the past, or to rip up anything like old grievances, and I am sure the House will acquit me of any wish to adopt such a course. I cannot, however, help feeling that the remarkable—I may almost say the unprece-

dented—condition in which the House finds itself, summoned, as it was, to meet at an earlier period than usual, and with the prospect before it of sitting to a later date than the experience of any of us can recall to our recollection, renders it necessary, if justice is to be done to the subject, that I should advert to those which I believe to be the real causes of a state of things so eminently unsatisfactory. Those causes it is impossible for me to avoid tracing to the circumstances under which the present Government acceded to office, and I hope I need not assure the House that I refer to that event quite in a statistical, and not in a political spirit. The noble Lord who has just spoken admitted the great importance of the question under our notice, but contends that it could not have been brought before the House at an earlier period of the Session because other business, of great importance also, occupied our attention. Now, what, let me ask, was that business? Her Majesty's Ministers on the eve of their accession to office laid down two principles in politics, if I may so call them, the one being that there should be a reform of the House of Commons upon a scale more democratic than that which the late Government had introduced, and that if the Earl of Derby were allowed to hold the reins of power after the general election, our friendly relations with France would be endangered. Events have, however, I think, proved that the late Government did not err in the conclusion at which they arrived as to how far a more democratic measure of reform than that which they introduced would correspond with the wishes of the country; and the House of Commons which had sanctioned a contrary opinion, upon reflection, after due consideration, and after a prolonged debate, has recurred to the opinion which the late Government had entertained. It did not prove the peculiar discrimination of the present advisers of the Crown that they took a contrary course. The Government are not, therefore, I maintain, entitled to plead the importance of their measure of Parliamentary Reform as an excuse for permitting a great portion of the Session to be occupied in discussions which led to no practical result. But it was, as I already stated, urged as a principal ground for want of confidence in the late Government that their remaining in office would tend to endanger the continuance of amicable relations between this country

and France. It has, nevertheless, I think, transpired that our policy with reference to France was not of that character which would have precluded the maintenance of a good understanding between the two nations. Indeed, I think it will be pretty generally admitted, particularly after the speech with which the noble Lord favoured us a few nights ago, that the relations subsisting between France and England at the present moment are not of a more amicable nature than when we quitted office. In referring to these two points, the only ones, I may observe in passing, upon which the Vote of want of Confidence in the late Government was based—I do not seek to reproach any man or body of men, nor to find fault with the decision at which the House upon that occasion arrived; I simply allude historically to two pregnant facts. But what, let me ask, was the consequence of that vote of the House of Commons? In the first place, the present Government, who acceded to office as a consequence of that vote, and who ought, in my opinion, if they were really entitled to the confidence of Parliament, to have possessed sufficient discrimination to recognize what sort of measure of Parliamentary Reform was adapted to the necessities of the times and the inclination of the people, introduced a Bill upon the subject different in principle from that which had been brought forward by their predecessors. That Bill was no doubt a lamentable failure, and a source of grievous disappointment to both sides of the House. But that is not all; this lamentable failure occasioned great loss of time, and to that loss of time much of the unsatisfactory position in which really important business now stands is, in my opinion, to be ascribed.

Now, in the case of the second ground upon which the expediency of our expulsion from office was based—namely, that our friendly relations with France would be imperilled if we were to continue to hold the reins of power,—it became necessary for those who held that view, and who succeeded to the Government of the country as the result of a decision of this House—which I do not wish to challenge and which I merely refer to historically—to prove that there existed between France and England under their auspices an unusual degree of sympathy, and that they were the only statesmen who could produce and carry those measures which would be the happy consequence of that extreme and extravagant friendship be-

tween the two countries. We had accordingly laid before us at the commencement of the Session that most extraordinary treaty which was concluded between this country and France, which was, I admit, in the first instance, received with acclamation by the House, but upon which almost every man among us now in his calmer moments looks with regret and apprehension. The carrying out the provisions of that treaty has entailed on the House of Commons immense trouble; it has been the cause of intense mortification, and is likely in the course of a few days, and at the fag-end of a laborious Session, to give rise to another great Parliamentary conflict. Now, I contend that it is in consequence of the Government having been formed on the two principles to which I have adverted, and of the ill-considered, ill-timed, unfortunate, and unhappy measures—whether in the shape of a Reform Bill or of a commercial treaty—which they have, because of their determination to act up to those principles, introduced, that we have wasted a whole Session in the discussion of propositions which have either totally failed and been withdrawn, or have partially succeeded, and while only partially successful, are in a great degree disastrous. The Reform Bill, to carry which Her Majesty's Ministers assumed the reins of office, they have been obliged to abandon, under circumstances on which I care not to dwell. The treaty with France, which they laid before the House with acclamation, is followed by a project for expensive fortifications. And against whom, let me ask, are these fortifications to be erected? Against our only and acknowledged enemy—according to the statement of the Prime Minister—France. To the formation of a Government on false principles, then, and to the necessity for introducing measures to vindicate those false principles, the waste of public time and the almost scandalous position in which the Legislature of England now finds itself are, it appears to me, to be attributed.

I will not dwell, in dealing with this question, on matters of comparatively trifling importance. I will not occupy the attention of the House by travelling back to the period when we met in January, and enumerating days and weeks since allowed to pass away to no purpose. I take the measure before us, one of an important group of measures which affect the fortunes and the destiny of our Indian

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empire, and in dealing with it I may be permitted to observe that I wish to offer no unfair opposition. I say frankly it is my wish and disposition to support the Government in the policy which in this case they seek to carry into effect. I do not shrink from expressing my adherence to the opinions set forth in the speech which the right hon. Gentleman opposite has quoted. I exhibited no desire since this Bill was introduced to avail myself of any unexpected opposition to the Government upon it with the view of contributing to their embarrassment; but this I must be permitted to say—that I think they would have acted more wisely if, instead of wasting our time by the introduction of moonshine measures of Parliamentary Reform and phantom treaties of commerce, they had come forward when Parliament met, and stating that as by the Bill which was passed two years ago, abolishing the power of the East India Company, you had effected a great revolution in the Imperial relations with India, the necessary consequence was that the House of Commons had assumed and must not shrink from the responsibility of governing that country with intelligence and an adequate knowledge of those countries; and then if they had come forward with their measures I do not think it would have been a mean Session of Parliament if they had passed measures adequate to the occasion. If the country might have felt a lingering admiration for the glorious career of the East India Company—yet England would have felt, after all, that it was a wise and statesmanlike decision understanding the spirit of the time which had resolved that there should be unity of Government, and that that empire should be no longer found under different rules and different policy—that the Parliament had incurred a great responsibility—that the ministry, sensible of that responsibility, had shown on the first occasion that they were equal to it, and had appealed to the knowledge and thought of Parliament. I say it would have been no mean Session of Parliament; and if we succeeded, after mature and statesmanlike consideration, in passing a measure equal to the occasion, we should have done something to prove that we are not unworthy of ruling that magnificent empire in the East whose destinies have been committed to our care. That is not our condition. No, weeks, long months, have been wasted in attempting to carry out that illusory programme,

which was the pretext by which a change of Government was carried. That is the real cause, that is the sole cause, of the position in which the House of Commons is placed, and which, I cannot conceal from myself, has rendered it lower in the opinion of the country than it otherwise would be. At the end of the Session we find ourselves, with exhausted energies, called upon to fulfil the highest and most important duties, and we are obliged to submit to a lecture from the Treasury Bench, telling us that we must talk as little as we possibly can. We may say, of course, what is useful and practical, but we are not for a moment to diverge into any of those considerations which so colossal a theme as India must naturally be supposed to create in the minds of English statesmen. In my mind, Sir, this is not by any means a satisfactory position. This has been, or probably will be, the longest Session of Parliament that has occurred for the last twenty years. We may sit, in all likelihood, to the end of August, and there is very little hope now that we can pass any measures—I will not say of importance, because it is possible that some of these Indian measures may be adopted—but we shall not pass any important measures with that maturity of thought, with that adequate and sufficient debate, which bills of that kind require.

The cause is obvious to all why so little time is left for the real business of the country. I do not feel that I am justified in this House of Commons, that has placed the present Government in office on the conditions to which I have referred, in making any invidious comments on those conditions. Although the House of Commons made, no doubt, a great mistake on the subject of Parliamentary Reform—although it was equally mistaken on the subject of our relations with France—I do not think it is the House of Commons that ought to rise up and accuse the Government that has been framed in accordance with those principles which practice has proved to be utterly illusory and fatal. It is ourselves, the minority on these benches, who might prefer these claims and these pleas and objections. We do not. We regret very much the time that has been wasted; but the time thus wasted has been the inevitable consequence of a majority—a bare majority, but still a majority of the House of Commons, choosing to form a Government on principles which

every human being knew could not be practised. We knew very well that it was utterly impossible the country could tolerate a measure of Parliamentary Reform, such as was shadowed forth in the programme on which you destroyed the late Government. We, at least some of us, who from our position were obliged to be acquainted with the facts, knew very well that nothing in the history of political misrepresentation could be more false and flagitious than the misrepresentations which pretended that the late Cabinet, in the management of our foreign relations, were false to the interests and the honour of England. We knew very well that when you chose to displace a Government on such pleas, and to form another Administration on such grounds, you were building a house upon the sand, and we knew what must occur. But we are not going to take advantage of your inconsistency or your distress. The government of this country is not to be made a mere game of shuttlecock between parties. You determined, you solemnly determined to form, to establish, and to maintain the present Administration; and they are not to be charged with waste of time by you—you who voted for impossible Reform Bills—you who sanctioned accusations respecting our foreign policy, which, if you had knowledge, you must have known to be false, and which if you were ignorant you were not justified in putting forward as the grounds of your vote. We may have suffered from the course which you have taken, but our business now is to determine what is the best course to adopt in order to maintain the reputation of this House, and to satisfy the fair claims of the country. As far as I am concerned, I shall give an impartial consideration to the measures which Her Majesty's Government may bring forward, even though they are brought forward at the end of July. I shall support them when I think they are consistent with sound principles of government and the true interests of the country. Nor should I have risen on this occasion, when this controversy was taking place between Her Majesty's Government and their general supporters—controversies to which we are now accustomed—had it not been that not once nor twice, but frequently in this discussion, with a composure to which I could not submit with any feeling of self-respect, others besides the noble Viscount, and afterwards the highest authority, the noble

Viscount himself, spoke of the present scandalous position of public business in the House of Commons as to be attributed merely to the fact that very important business had engrossed the attention of the House for the first months of the Session. Important business, which really never had any real existence, brought forward merely to fulfil the pledges of faction! I should not have murmured even at this had they not wasted the precious time of the nation; but there is one topic on which I must address an inquiry to the noble Lord. We heard to-night that the well-considered programme of public business which was announced last night is now to be changed. Now, on this subject I wish that there should be no misapprehension on the part of the House. I ventured to say last night that there was a general disposition to assist the Government—and I believe in the House of Commons, whoever may be the leader, there is always a disposition to assist him, as far as possible, in the convenient management of public business—I ventured to add that I thought we had a right to expect from the Government a spirit equally frank and confiding. Last night the noble Lord made an arrangement at this time of the year still more important than at another, though everything that falls from the lips of a Minister relating to the conduct of public business is at all times important, and that arrangement, though with hesitation, was finally accepted with cheerfulness and confidence by the House. I understand from the noble Lord that on the 6th of August—if the Government proceeded with that measure—the contemplated change in the paper duties would certainly be proposed. I take it for granted, notwithstanding the change the noble Lord has made with respect to the debate on fortifications, the arrangement with regard to the paper duties will under all circumstances be adhered to. [Viscount PALMERSTON : Certainly.] I am glad to receive that assurance from the noble Lord, which I am sure will give satisfaction to hon. Gentlemen at both sides of the House. We shall now enter into the discussion of the question which awaits us, and I shall take the course I think consistent with that which I have previously followed, and with the opinions I have always expressed. I have only risen because when the state of public business has been referred to, the position of the House of Commons has been so treated that a general impression might go abroad

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that it was to individual Members, who were only doing their duty to their constituents by expressing their opinions on public matters in this House, that our present mournful condition was to be attributed. It was only because that assertion has been more than once repeated that I have risen to protest against it.

MR. DANBY SEYMOUR said, he rose with the view of prolonging the discussion.

MR. SPEAKER : I trust the House will once more permit me to put the question that the House at its rising do adjourn till Monday next. I wish to take this opportunity of saying that not the last, but two or three of the later speeches have passed into the question which is waiting to be discussed; and, if this debate is to go further, I must request hon. Gentlemen who address the House, at all events not to fall into that error.

Motion agreed to.

House at rising to adjourn till *Monday next*.

EUROPEAN FORCES (INDIA) BILL.

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [26th July],

"That it be an Instruction to the Committee, that they have power to make provision therein for the future regulation, discipline, and patronage of the European Forces serving in India."

Question again proposed.

Debate resumed.

MR. ROEBUCK said, that he gathered from what had fallen from the noble Lord that he objected to the postponement or continuation of this debate. He himself, however, had no difficulty in coming to a conclusion as to what should be done in this important matter. The noble Lord, too, would find that the House was not to be forced to a conclusion so rapidly as he fancied. The majority by which the second reading was carried was, no doubt, large, but there had been a considerable change of opinion since that time, and the continuation of the debate would lead to a still greater change, and the noble Lord and his colleagues would find rather more difficulty in carrying this stage than he had found on the second reading. The question before the House had been lost sight of. It was, in reality, one of administration. The House had chosen to take on itself the Government of India, and the Secretary of State now brought in

a Bill of one clause only, which would entirely revolutionize the whole principle of the Government of India. The question to be asked was—what would be the effect of the Bill, first, on the army of India, and secondly, on the Government of India? The two cases required to be accurately distinguished, but in both his own opinion was that it would be most mischievous. It was not the Government of a small colony which was under discussion—the destinies of 200,000,000 people which were at stake—and the House had to decide whether the Government of India should be placed in the hands of persons who had been brought up in that country, and who knew the feelings and habits of the people, or whether it should be entrusted to men who were not sent there on account of their ability for the purpose, who were selected without reference to anything but party considerations, and who might be said to be persons incapable for the duty. Although we had assumed the Government of India, still the important question remained whether the administration should be confined to persons sent to India, and whether the army should be under their control or that of persons in this country. The House had to inquire into the capability of the persons who had to govern the army, and next as to the particular quality of the army to be governed. There were two sets of persons proposed as governors of the army; first, those who, by Providence, were placed in power in this country, and next those who had a knowledge of India from their having been residents in that country, and who, knowing the feelings of the people of India, knew how they ought to be governed. The question lay between those two parties. Now under our present system—and he was putting it merely hypothetically—the Secretary for India, who was primarily responsible for the Government of India at home, might have no qualifications for the office; in place of knowledge and experience he might merely have audacity; to use the language of a Gentleman on the Treasury Bench the other evening, he might have gone through life “with a silver spoon in his mouth,” and by some political chance he might be called to the Administration of India, without ever having shown the slightest capacity for the government of mankind. He did not say that such a thing had happened, but it might. How little Parliament was qualified to control that officer was shown by the state of that House during the dis-

cussion on this Bill. When the hon. and learned Member for Marylebone got up to complain of the taking away of a few yards of Kensington Gardens the benches were full—Gentlemen rose eagerly to address the House until they tired both themselves and it; but when India was concerned there was a wonderful calm—a philosophical air in the manner—he would not say in the ideas of the House—an utter absence of all passion, and even interest. It was most difficult “to get up the steam,” as it was called, on Indian subjects. Even at this late period the Indian Budget, affecting the interests of 200,000,000 people, still remained to be brought forward. It would be discussed, probably, with something less than the requisite number of Members present, and it would be carried without opposition. There was a limit to human patience and forbearance, and those Members who had none of the responsibilities of office to keep them would naturally go away. If they did not, probably they would have to take to their beds ill. As to the Indian Council, he had always maintained from the first—and experience had proved the truth of his prediction—that it would be made a screen—that its advice would not be taken, that it would be a sham—a means by which the Secretary of State would govern India without any real responsibility. If the right hon. Gentleman had stood alone, without a Council around him, he never would have dared to bring in this Bill. It might be said that the Council were against him; but still they supported him by the fact of being his Council. He could but wish that the right hon. Gentleman stood entirely alone, and that on his head was concentrated all the mischief which would arise from this mode of legislation. It was said that the Council would have the carrying out of this Bill when it was passed, and again he could but wish that the sole carrying out of it would fall to the right hon. Gentleman, without the shelter of a Council. Public opinion then would be so directed against him that he would tremble to do that which he now did with audacity.

Now, if this were the difference between the two governing parties, what would be the constitution of the army if the Bill passed. The local European army was composed of men whose lives and fortunes were spent in India, who went out there while their minds were yet unformed, and who acquired that knowledge

of the habits and prejudices of the people which made them fit instruments for the government of that country. For that force it was now proposed to substitute a body of men who would have no interest in and no acquaintance with India, who would be mere birds of passage there, intent on getting home again, and who would have all the insolence of domination combined with an utter ignorance of the feelings and usages of the Natives. Such would be the effect of the change upon India. What would be its effect upon England? The whole patronage of the Indian army was to be handed over to the Government of this country. It was said it would be transferred to the Horse Guards, but there could be no doubt the real influence would be exercised by the Treasury Bench. He wanted to know whether that Bench had shown such a wonderful capacity for governing that the government of 200,000,000 of people should be confided to them. While our Colonies, instead of being self-governed, were ruled over by that Bench, there was no part of the world so ill-administered as those Colonies. When the system of double Government was applied to India, very eminent statesmen thought it a great discovery. It was, however, merely a means of giving the whole power to the Government of the day, and screening them from all responsibility. No doubt atrocities were committed and things done in India that were the shame of England during the old East India Company's exclusive rule; but then there was a body on whom the public censure could be affixed. Immediately the double Government was introduced there was an end to all Parliamentary check or condemnation. The right hon. Gentleman wished to maintain his Council as a screen, and yet to be able to rule India exactly as he pleased. Everybody in power, or likely to obtain power in England, was for supporting this measure; whereas those who did not expect power, and who therefore looked solely to the good Government of India, entirely opposed it, as did also the persons most versed in Indian affairs—namely, the right hon. Gentleman's own Council. He could not tell what might be the consequences of this vast change, but he was sure it ought not to be hurried through the House in this manner. This was by far the most important Bill propounded this Session. It was a measure which the Treasury Bench intended to carry if they could.

Mr. Roebuck

He was not at all sure that their intentions had ever been the same with their Reform Bill. As far as his influence went they should not be permitted to carry this measure. He implored the House by every means at its command to prevent so direful a result. That House was now the ruling power in the State. It might, as was said long ago, be governed by the patronage of India. They talked about introducing Bills to prevent bribery and corruption. If ever there was a Bill in aid of bribery and corruption it was the one now proposed by the right hon. Gentleman. Believing that it would be injurious alike to England and to India, and thinking that it could not possibly do any good to any living person except the Treasury, he felt bound to vote against it.

LORD JOHN RUSSELL: The argument of the hon. and learned Gentleman, Sir, although very ingenious, appears to me entirely fallacious. While the last Act for the Government of India was under discussion in this House, the hon. and learned Member opposed a double Government, because it was a screen to the Minister; and wishing to concentrate responsibility, he was, I think, altogether against having an Indian Council. Now, however, he adopts a very singular line of reasoning. He says my right hon. Friend, desiring to get rid of his responsibility, has used his Council as a screen. And how? Why, by stating this matter to his Council, and then finding that they one and all entertained opinions exactly the reverse of his own. My right hon. Friend having acknowledged to the House that the views of his Council were opposed to his own, he is now accused of screening himself behind that Council, and thus escaping his share of the responsibility attaching to him as a Minister of the Crown. Everybody must see that that is contrary to common sense and experience. Surely, if you want to get a Council to shelter you from responsibility, you would get it to back your own opinions, and give you some authority for what you propose; the last thing you would think of would be to elicit its opinions when in antagonism to your own. With regard to this question itself, it is one not only of great importance, but of the greatest difficulty, and one requiring the most anxious consideration before an opinion can be formed upon it. The Cabinet had for a long time considered this question, and had delayed coming to a decision upon it, in order to be enlight-

ened as much as possible by all the opinions which they could obtain from India. When they had to govern a great empire of 200,000,000 people, and when they had to govern it by opinion supported by force, the main point was not what the civil Government should be, but what should be the army of India. Lord Metcalfe said that the Government of India did not rest entirely upon opinion, nor entirely upon force; but they must have opinion with them, and they must have force to sustain the Government against disturbance. There should be unity of command, efficiency of discipline, and a homogeneous character in the military force, on which they must chiefly rely. The European local army was brought into existence entirely and unavoidably by the manner in which the Indian Government was acquired. It was acquired by a company of merchants, and they naturally formed their own army. But when you made the change from the government of the Company to the Government of Royal authority, and when you have to consider the question of what the army should be, you cannot forget that every man of military reputation is of opinion that they never could have the same discipline in a local as in the Queen's army. I have heard the late Duke of Wellington say, at least ten or twelve times, that the local force of India was deficient in discipline, and perhaps that great commander carried his opinion to an extreme in the objections which he made to officers of the Indian army. But with regard to the maxim, that in point of discipline you will gain by having one army, it is, I believe, undeniable—and it is equally clear that you will gain in unity of command—by having all the officers with the like expectations and under the same regulations. Until very lately there remained the difficulty that there was a local army existing which had won glory in the field in repeated battles and repeated wars, but partly by accident and partly by unfortunate events that army consists now of no more than 13,000 men. The question, therefore, is rather whether you should recreate a local army than whether you should destroy one already in existence. Upon the whole I have come to the conclusion, contrary to my previous impression, that the Queen's army ought to be the only European army in India. Another question upon which the hon. and learned Gentleman laid a good deal of stress—and it is most important—

was whether the former army was not a link between the inhabitants and the Government of India. There is no doubt that that has been the case, and it was one of the causes of difficulty present to my mind; but I do not think that it is a matter which is incapable of solution by various modes by which you can connect the army existing in India with the local Government of India. Of course, among the officers who go out with their regiments there will be many young men who might look to an honourable career in India rather than returning to this country. I think that will be a natural consequence. But it must be recollected that without your legislation, and totally independent of it, there has been a total change since Bengal was first conquered by Lord Clive. It then took about a year to come home and go back again. Men who went out directed their whole thoughts to India, spent their whole lives in India, and only retired in their old age to enjoy the competence which they had acquired. But now, when communication is so rapid that the journey may be made in six weeks instead of six months, men's associations remain so connected with England that it is quite impossible, even if you wish it, in 1860 to restore the habits which in 1760 were the common habits of the country. I come, therefore, to the conclusion that, although there may be some inconvenience on this account, yet, as the great objects of unity, efficiency, and discipline, can be most certainly obtained, it is desirable to adopt the plan which the Government proposes. One word as to the Question before the House. It is that it be an Instruction to the Committee that they have power to make provisions for the future regulations, discipline, and patronage of the European forces serving in India. Can any one hope to carry such a Resolution? If you mean to have the Queen's army, of course the Resolution is incompatible. If you mean not to have the Queen's army, then the Bill should be rejected, and a Bill of a totally different nature introduced. But the notion of attempting to introduce in this Bill a number of clauses of which nobody has even given a sketch, to provide for the whole regulation, discipline, and patronage of the European forces serving in India, is the most impracticable which I have ever heard of in my life. The conclusion which I draw is that the hon. Gentleman is adverse to the plan of the Government, and then I

[Second Night.]

say with my right hon. Friend the Secretary of State for India, if the House agree with the hon. Gentleman let them reject the Government Bill, and carry a Bill for a local force in the course of the present Session. Of all things the greatest evil will be to postpone this question to another Session, to leave it open to be a matter of dispute in India and of fresh debates here. If the House disapprove the plan of the Government let them not pass an ambiguous and obscure instruction, but vote against going into Committee, or when in Committee refuse to agree to any clause and desire the Chairman to leave the chair. That will be a plain and intelligible declaration that you mean to have a local army. Let any one who has the confidence of the House frame a measure for the purpose, and let it be carried in the course of the present Session. The civil authorities and army in India would not then be left in doubt, but would know what you mean and what your intentions are.

MR. MONCKTON MILNES said, he thought that the right hon. Gentleman the Secretary of State for India had placed this question on a false basis. The right hon. Gentleman had declared that delay was dangerous in the extreme, and that his measure must be passed at once. Any one would have supposed from such language that the Government had really laid before the House a complete and well-matured scheme for the military administration of India. But so far was that from being the case that the measure was not even an empowering Bill. Its object was simply to divest the Government of certain powers which they now possessed—those which were to be substituted depended on some supposed project of the Government dimly shadowed forth in the speech of the right hon. Gentleman. Was there any one in the House who professed clearly to understand the consequences which would follow the passing of the Bill, not only to the local army, but to the general administration of England and India? The necessity for the measure had been created solely and voluntarily by the Government. No one had asked for it. Every authority in India had solemnly deprecated it, and none more strongly than the Governor General and his Council. Her Majesty's Government had themselves started the question, and were alone to blame for the agitation and disturbance which it had occasioned in India. The House had not the means of coming to a

proper decision on the question, because they did not know what plan the Government proposed to adopt. The measure was really not of an urgent nature; and the only reason which could be conceived for pressing it through the House was, that the Government were anxious during the recess to do something which Parliament would not be able to supervise and examine, and which they would, next Session, be told was a *fait accompli* not to be disturbed. That was a contingency which he wished to prevent. There could be no practical danger in allowing the question to stand over till next year, when he trusted they would have better information on the subject. The only argument which the Government could use was that immediate action was demanded in consequence of that unfortunate mutiny of a portion of the European local army. He found, however, that the military authorities who were brought forward to support the Bill were themselves among the first to acknowledge that much excuse was to be made for the mutineers, and that, under the circumstances, their conduct was not only natural, but even pardonable. The mutiny was an event of an accidental and temporary character, which ought not to influence their decision on this great question, which rested on far deeper and more important grounds. He trusted the Government would at length perceive what was the feeling of the intelligence of the House, and understand that, as the question had grown in interest, so the measure had grown in unpopularity. He hoped they would not be misled by the result of the division on the second reading, which arose simply from the respect which the House very properly entertained for the decision of the Executive Government on a subject which they had not had time to master.

COLONEL DICKSON said, he could not join in the condemnation of the Secretary of State for India for having originated this proposal. It was, he held, the duty of the right hon. Gentleman, and of his colleagues, to initiate measures of this kind. The Bill certainly ought not to have been introduced so late; still he thought that, considering that the real question was whether the Queen should have authority by her officers over all the troops in India, it was a subject which might be well discussed, and he should not hesitate to give his vote in favour of having one army. The argument as to the accli-

Lord John Russell

matizing of troops, and that they would be connected with the Natives, were arguments telling far more strongly against a local army than an Imperial one. He was the last person to say a word against the discipline of an army which had so long sustained its character for bravery and good conduct; but the discipline certainly was not such as to secure a proper state of efficiency. Even our own army could not be maintained in a proper state of discipline in India. He was sorry to hear the argument brought up about patronage, as if it were managed without thought or care, but only for the purpose of promoting private interests. There could be nothing worse than to interfere with the exercise of authority when it had been placed in hands where it bade fair to be wisely administered. He hoped the Government would proceed with this Bill at once, for nothing could be worse than delay, and he should be glad to give them his cordial support.

Question put, and *negatived*.

MR. MONCKTON MILNES said, he then rose to move :—

"That it be an Instruction to the Committee that all appointments to military commands in India (the commands in chief alone excepted), and all Staff appointments, whether military, or medical, be vested in the Governor-General in Council, and other constituted authorities in India."

His object was to provide that the army to which the defence of India was intrusted should be subordinate to the authority of the Indian Government. He proposed this instruction in no spirit of hostility to the military authorities in this country, nor did he entertain any fear that the influence of the Horse Guards would be destructive of the English Constitution. He believed that the Horse Guards, the Secretary for War, or whoever administered the patronage, would do so to the best of their ability, but they would be liable to error on account of their want of knowledge. The disastrous consequences of injudicious appointments from home were felt both in the Affghan war and during the late mutiny in India. Earl Canning had himself said that if the Governor General was not allowed to be paramount in the government of the army in India, he would lose the greater portion of the authority by which he held that country in subjection, and a divided authority would be introduced, the consequences of which must necessarily be disastrous. The extent of In-

dia, instead of being, as the noble Lord at the head of the Government appeared to think, a reason why there should be no local force in that country, was the main cause which rendered necessary the localization of a large portion of the army to which its defence was intrusted. It had been calculated that if India was to be held solely by troops sent from England, we should have to pay for the passage of 30,000 men annually. Was that expenditure to fall upon the revenue of India or upon that of England? Mr. Willoughby stated in the strongest manner that the revenue of India was not capable of bearing the additional expense which this plan would cast upon it, and that the advantage which would be derived from a frequent change of regiments would be as nothing compared with the enormous expense to which the revenue of this country, or that of India, would be put in order to attain that object. For the Indian service a different class of men were required from ordinary English military officers, whose ideas were not sufficiently of an Indian character. It could not be said that the government of India had been unsuccessful hitherto. If they respected the memory of those who rescued India during the late rebellion, how could they seek to break up the system under which the salvation of India had been secured? The subsidiary English force in India might be increased without the introduction of this Bill. He believed that, if the local army in India had not existed during the late crisis, no human power would have preserved our dominion there. He trusted that the Government would either abandon this measure, or that the House would continue their opposition to it until they compelled them to do so.

Motion made, and Question proposed,

"That it be an Instruction to the Committee, that they have power to make provision therein that all appointments to military commands in India (the commands in chief alone excepted), and all Staff appointments, whether military or medical, be vested in the Governor General in Council and other constituted authorities in India."

MR. DANBY SEYMOUR moved the Adjournment of the debate.

Debate *adjourned* till Monday next.

ENDOWED CHARITIES BILL.

SECOND READING.

Order for Second Reading read.

MR. LOWE moved the second reading

of this Bill, the object of which, he said, was to do away with the expenses incurred by charities for the administrative relief received from the Court of Chancery and other tribunals. A public charity, unlike other institutions, constantly required some assistance from courts of law. Endowed with perpetuity, it had a tendency to fall into disorder, unless corrected by some power outside itself. Since 1853 that duty had been performed by the Court of Chancery, the County Courts, and the Court of Bankruptcy. The County Courts and the Court of Bankruptcy were put in motion by the Board of Charity Commissioners, and their jurisdiction extended to the sum of £30. Above that amount the jurisdiction was placed in the Court of Chancery. The three main provisions of the Bill were—first, to raise the jurisdiction exercised by the County Courts from £30 to £50; secondly, to give the Charity Commissioners power to give the same relief as County Courts up to £50; and, thirdly, to enable the same parties to administer equitable relief above £50, but only on application by at least a majority of the trustees.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. ROLT said, he wished to remark that between £500,000 and £1,000,000 of the money belonging to charities had accumulated in the hands of the charitable Commissioners since the passing of the Act by which they were appointed. That money had been taken charge of without any remuneration, and therefore without any responsibility. He would suggest to the right hon. Gentleman that some person should be appointed with a salary to take charge of the money belonging to these charities.

SIR CHARLES DOUGLAS said, it was extremely desirable to give the charities full opportunity of considering the provisions of this Bill.

MR. KNIGHT said, that the Bill contained a principle to which the House had on various occasions refused to give its assent. It gave the Board of Charity Commissioners absolute power to turn out all or any of the trustees of the small charities in the kingdom, without any public inquiry. The Charity Commissioners were struggling to obtain a great and irresponsible power, and he moved that the Bill be read a second time that day three months.

Mr. Lowe

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

COLONEL STUART seconded the Amendment, and expressed his dissatisfaction with the character of the Bill.

VISCOUNT GALWAY said, he should support the Bill on the principle of giving the Charity Commissioners something to do. The charities of the kingdom would be in quite as good hands when in theirs as in the hands of the Attorney General and the Court of Chancery.

Question, "That the word 'now' stand part of the Question."

Put, and agreed to.

Bill read 2^o, and committed.

Considered in Committee, and reported, with Amendments; to be printed, as amended [Bill 300]; re-committed for Thursday next, at Twelve of the clock.

House adjourned at Two o'clock
till Monday next.

HOUSE OF LORDS,

Monday, July 30, 1860.

MINUTES.] *Took the Oath.*—General Sir Colin Campbell, G.C.B., having been created Baron Clyde—was (in the usual Manner) introduced.

PUBLIC BILLS.—1^a Clearance Inwards and Lien for Freight; Census (Scotland); Corrupt Practices Prevention Act (1854) Continuance; Rifle Volunteer Corps; Gunpowder, &c.

3^a Registration of Births, &c. (Scotland); Highways (South Wales); Manchester Cathedral Church; Postage (Army and Navy); Medical Act (1858) Amendment; Highway Rates Act Continuance.

ITALY.—THE ROMAN STATES.

MOTION FOR PAPERS.

THE MARQUESS OF NORMANBY, in rising to move for certain Papers referring to the Administration of the Roman States, said it was proper that he should, in the first place, state this Motion did not originate with himself; but from the fact that a Member of the other House of Parliament had moved for certain Despatches which had been addressed to him when he was Her Majesty's Minister at Florence, by the Secretary of Legation who was at the time unofficially residing at Rome; the object of the Motion being, no doubt, to adduce, upon the most undoubted authority, some proof that the allegations made of the con-

tinued misgovernment of the Roman States were exaggerated. Now, that question of the Government of the Papal States was one upon which the powers of observation of his Friend, Mr. Lyons, were calculated to throw considerable light, guided, as they were, by an accurate and impartial spirit. But, independently of that question, there was another of equal importance, which he proposed to raise by the Motion which he was about to make—namely, what was likely to be the effect on the influence and character of this country of those sort of Ministerial declarations to which he alluded when he gave notice of his Motion, which seemed to him to be vented in a spirit of levity; and which all Europe combined to consider as unfounded. This declaration, made in 1856 by the noble Viscount then, and now, at the head of the Government, in favour of the Roman Republic of 1849, had been made upon the part of many eminent French publicists the subject of comment, the severity of which he regretted more than he doubted its justice. He would briefly explain the character and substance of the papers for which he moved, as showing the effect of that declaration. Those who were acquainted with our relations with the Court of Rome, must be aware that Mr. Lyons resided at that capital in an entirely unrecognized position; and it was necessary, in order that he should be enabled to co-operate with Mr. Lyons with advantage, that there should be no doubt in the minds of those to whom he addressed himself, that the object of the English Government was the amelioration, and not the overthrow, of established institutions: in short, that they sought reform, not revolution. When, therefore, he ascertained that a high Ministerial authority had conveyed the impression to Italy that the British Government sympathised with the cause of revolution, it was easy to perceive that the efforts of Mr. Lyons and himself must be comparatively barren of results. Every one who read the papers he now referred to, would see that something inauspicious had occurred. In 1856, Mr. Lyons was charged with a somewhat delicate mission—namely, to communicate from his noble Friend opposite (the Earl of Clarendon) to Cardinal Antonelli his impressions as to what had passed at the Congress of Paris. That mission Mr. Lyons, as would be seen by his despatches, had executed with great tact; and whatever representations he had made to Cardinal Antonelli, at the inter-

view of the 24th of May, had been received with the most courteous attention. At that time neither were aware of the declaration to which he had already alluded—that Rome had never been better governed than during the absence of the Pope. Now, it could hardly be supposed that, in making such a declaration, some allusion would not be made to the peculiar circumstances under which that absence took place. That absence was caused by the murder of his Minister on the steps of the National Assembly. The state of feeling existing at the time in Rome, was evidenced by the circumstance which was mentioned in the despatch of the French Ambassador, announcing the assassination, that the National Assembly proceeded with the order of the day, without taking any notice of the incident. But he well remembered the effect that was produced in Paris when the assassination was announced in the French Constituent Assembly: even M. Bixio, an Italian and a revolutionist, expressed his horror and indignation. Such were the circumstances under which the Pope was absent from Rome in 1848 and 1849; yet that state of things, it appeared, met the approbation of one, at least, of Her Majesty's Ministers. Mr. Lyons did not again see Cardinal Antonelli until the 30th of May; and in the meantime the excitement had been much increased by what passed in the British Parliament. Cardinal Antonelli was always courteous to Mr. Lyons; but he found his tone completely altered; and when he endeavoured to bring to something like a definite issue, the question whether the Papal Government, within a reasonable time, would or would not undertake to adopt any reforms at all, the Cardinal became almost entirely silent. At that very time he himself was also endeavouring to obtain from the Roman Government concessions of a similar character. For this purpose he had several interviews with a gentleman possessing influence at the Court of Rome, and strove to influence his mind favourably towards the project of a deliberative Council. But the reply which he received was, "How can you expect we should consider these reforms, when the head of your Government holds up, as a model for our imitation, a system which we believe to be inconsistent with security to life and property?" Such was the effect produced by that declaration in Parliament of the noble Lord at the head of the Government. That was not the first time he had dis-

cussed the character of the Roman Republic with the noble Viscount at the head of the Government. Before, at, and after the siege of Rome, it became known that the noble Lord had expressed great sympathy with the Republican party. Now, he (the Marquess of Normanby) happened to be Her Majesty's Minister at Paris in 1849, and he received from M. Drouyn de l'Huys, the French Minister of Foreign Affairs, and from M. de Tocqueville, who succeeded him, a communication of all the documents which bore on the conduct of the French expedition to Rome; and showing not only the exemplary behaviour of the French troops in Rome, but the real character of the Government which had been overthrown there. Within the last few days his own recollection of the matter had been confirmed by M. Drouyn de l'Huys, whom he had consulted on the subject. The result of a close investigation made by the French Government at that time was communicated, not only to all the Foreign Ambassadors at Paris, but brought to England by M. Drouyn de l'Huys when he was appointed Ambassador here; and so anxious was he to convince the British Government of the real character of the Republic which had been overthrown, and of the exemplary conduct of the French army, that he exceeded the usual limits of diplomatic intercourse, and placed all these despatches in the hands of the Foreign Secretary, and of the noble Marquess (the Marquess of Lansdowne), the leader of their Lordships' House. Every reason, therefore, existed for believing that the former statements of the noble Lord had been completely disproved. But when seven years afterwards these were revived circumstances had changed, and the noble Viscount was no longer connected with the Department of Foreign Affairs nor was he himself in communication with the noble Viscount. Towards the close of Lord Aberdeen's Administration, however, on the resignation of Sir Henry Bulwer, he accepted from his noble Friend opposite (the Earl of Clarendon) the post of Minister at Florence. He had had the opportunity of witnessing the very great sensation created all over Europe by the conduct of Her Majesty's Government in reference to these transactions, and to guard against the repetition of similar errors he deemed it his duty to write an official protest. It was for a copy of the Despatch containing that protest, as well as for extracts from other documents, showing how

The Marquess of Normanby

the efforts of Mr. Lyons and himself had been impeded, that he now wished to move. But, before doing so, he wished to point out the manner in which the (as he thought) unwarrantable statement of the noble Lord had been reflected upon in foreign publications of extraordinary literary merit. The Bishop of Orleans, in a chapter of his book, "*Sur la Souveraineté Pontificale*," headed *l'Angleterre—Les Préventions Haineuses*, says,—

"Lord Palmerston went still further, and truly he passed all limit, when in open Parliament this Minister, invested with the highest authority which an individual can hold in the world, dared to pronounce these words in honour of the revolutionary Government of Rome, 'The Holy City was never better governed than during the absence of the Pope.'"

[The Marquess of CLANRICARDE: Hear, hear!] The noble Marquess cheers that statement; but he believed his information as to the state of Rome was worth as little as that relating to Florence had been shown to be. For his own part, he maintained with M. de Montalembert, who gave proof last year of the sincerity of his conviction in favour of English institutions by the sacrifice of his personal liberty that

"The worst enemies of England could not wish for her a more flagrant condemnation than to see her First Minister constitute himself the posthumous apologist of a state of things that had assassination for its origin and as its consequence. . . . Before, during, and after the siege of Rome it was the poniard that was the arm and the symbol of the pretended liberty of the pretended nationality of the Romans. The Roman Republic owed its origin to the stroke of the dagger which killed Rossi; that poniard which was hailed as blessed and democratic, and which was promenaded about the streets of dishonoured Rome, accompanied by songs of triumph. Throughout the duration of the new Republic assassination was the ordinary expedient of the secret societies to restrain the people by terror. Priests, officers, citizens of all classes were the victims. Not a single assassin was arrested or punished during the Republic,—not even that miserable Tambianchi, colonel of the Finance Guard, who murdered so many innocent people in his own district of St. Caliste, and who caused the Cure de la Minerve to be shot before his eyes after a supper which he had forced the venerable priest to attend. After the taking of Rome, the oath to stab every one who should show any satisfaction, or should give in their adhesion to the French, was taken and rigorously carried out. The orders of the day of Generals Rostolan and Baraguay d'Hilliers were there, with many other documents, to confirm the necessity there was for the utmost vigilance and strictness to prevent the soldiers falling victims to the dagger of the assassins. It was not probable that Lord Palmerston would dare to contest the truth and integrity of the French Council of War."

On this particular subject M. de Montalembert, it might be said, had strong opinions; but no such objections would be urged against M. de Tocqueville, who was essentially Liberal in his opinions. He was in the habit of seeing M. de Tocqueville almost every day at the time of the French expedition to Rome, and he had often repeated to him his wonder at the manner in which Lord Palmerston chose to disbelieve the mass of facts which were laid before him, and still continued to think the Roman Republic worthy of his support—a Government which M. de Tocqueville said he held to be wanting in all the first duties of every Government. He based the Motion with which he meant to conclude on the ground that the papers already presented would not give an accurate impression of the truth without these Despatches. They would give an impression unjust to Mr. Lyons and himself, and, to a certain extent, to the Roman Government, inasmuch as there would then remain no trace of the fact that it was in consequence of a natural feeling of irritation at what they considered an insult that they were less disposed to listen to our suggestions, and to give a favourable consideration to plans of administrative reform. The noble Marquess concluded by moving,—

“That an humble Address be presented to Her Majesty for Copies or Extracts from the Despatches of Her Majesty’s Minister in Tuscany in 1855, 1856, and 1857, referring to the Condition and Administration of the Roman States.”

LORD WODEHOUSE said, that there would be no objection to the production of the papers moved for by the noble Marquess, though he could not see any connection between them and the despatches already laid on the table from Mr. Lyons. Probably those who had not followed the noble Marquess very closely might not be aware that the events to which he referred took place in 1849, while the speech of Lord Palmerston on which he had commented was not made until 1856. The noble Marquess, therefore, perhaps might have spared the House a discussion which had not much to do with the events of the present day. The noble Marquess moved for copies or extracts from the despatches of Her Majesty’s Minister in Tuscany in 1855-6-7, referring to the condition and administration of the Roman States. Their Lordships would imagine that it involved a large mass of correspondence, but the truth was there were only two papers, and

they referred entirely to a speech made by Lord Palmerston in 1856. He would not weary their Lordships by going into an explanation of the matters of 1856 and 1849, but the noble Marquess said, if the despatch was produced, there would be ample means of knowing that the statements made by Lord Palmerston were not correct. Lord Palmerston’s statement was based on the official reports of the consular agent at Rome. The answer that was given by the then Secretary of State for Foreign Affairs was from the despatches from the British agent at Rome stating the circumstances of the time, and on these statements Lord Palmerston based his remarks. The noble Marquess said that he was at Paris at the time, and that therefore he knew better what took place at Rome than the consul himself; but their Lordships on the production of the papers would be able to judge of the facts of the case.

THE MARQUESS OF NORMANBY, in reply, said the question was not one between him and the consular agent at Rome, but between the consular agent and every other person who was acquainted with what was going on at Rome at the time.

The Papers were then ordered to be laid on the table.

COAST OF AFRICA, &c., ACT AMENDMENT BILL.

EARL GRANVILLE moved, that the House go into Committee on this Bill *pro forma*, in order that it might be reprinted with Amendments.

THE EARL OF DERBY said, that as the Bill at present stood it was perfectly unintelligible. He was quite unable to discover what its purpose was.

EARL GRANVILLE said, that the object of the measure was to provide for the government of certain places, possessions of the British Crown, but in which no Government had been established by Her Majesty’s authority. By the 6 & 7 *Vict.* c. 13, Her Majesty was authorized to provide for the government of the British Settlements on the Coast of Africa and in the Falkland Islands, whether places then occupied or that might be thereafter occupied by British subjects resorting to those coasts; and by the 21 & 22 *Vict.*, c. 106, the “Act for the better Government of India,” India was defined as comprising certain territories, and provision was made for their Government. Since this time certain

islands which fell within the definition of the last mentioned Act had been occupied by British subjects—the circumstances of some were certainly rather peculiar, for he believed that one island was settled by a single Englishman. Under the ordinary course of settlement, every Englishman carried with him the English law into the land of his settlement, so far as it was applicable to the circumstances of the country; but in the cases which had given rise to this measure there was this difficulty—that the places had been acquired by the East Indian Government, and being within the definition of India were subjected as to their Government to the provision of the Act. It was proposed by this measure to withdraw settlements such as he had described from the operation of the Government of India Act, and to place them under the provisions of the 6 & 7 *Vict.*, c. 13.

THE EARL OF POWIS thought that when the third clause of the Bill came to be looked into, it would be found that it required a similar modification to that proposed for the first and second clause.

THE EARL OF ELLENBOROUGH said, that this short Bill illustrated the manner in which business—perhaps unavoidably—was conducted at this period of the Session. This Bill did not, apparently, originate with any Member of the Government, but, as far as he could understand, with an Under Secretary in the Colonial Department, who thought it expedient to introduce provisions which would enable Her Majesty to place under any law which she might deem best, the whole of the British dominions in India, with the exception of one point, which might be the Andaman Islands. The India Office had repudiated this Bill; but through some “inadvertence”—a convenient term—the Bill had been put into the hands of the noble Earl, without one word of explanation. He had the curiosity to inquire how many white faces there were in the Island of Labuan, and found the number to be thirty-one, including the Governor, the Deputy Governor, the Treasurer, the Commander-in-Chief, and an army of five white soldiers. But what was the most remarkable thing was that there was a Bishop, whose whole congregation was composed of these officials. It had been said elsewhere that there had been some communication between the Colonial Office and the India Office in reference to Singapore, which it was proposed to hand over to the Colonial

Earl Granville

Office. He should advise the Government to consider very seriously before they did this. When the East India Company was in existence, some gentlemen at Singapore were not very well satisfied; but there was now an end to the East India Company, and it was just as likely that there would be a capable man for Secretary of State for India as for Colonial Secretary. The colony would thus far, therefore, be in the same position whether under the one or the other. But Singapore was very near to India and very far from Downing Street, and it was most convenient that the place should be governed by the nearest authority. As a commercial question the matter was of no importance, but Singapore was extremely important in a military point of view. If we were compelled to send military forces to China, the greatest portion of the troops must go from India, and Singapore would be their depôt. In this respect it was important that Singapore should be in the hands of the authorities sending the troops. When he himself had occasion to send an expedition to China, Sir George Bonham, a most able man, was at Singapore, and not a single ship was delayed; but if Singapore had been under the Colonial Office there would, probably, have been great delay.

House in Committee; Bill *reported*, without Amendment; Amendments made; Bill *re-committed* to a Committee of the Whole House on *Thursday next*.

COUNTY COURTS.

MOTION FOR RETURNS.

LORD BROUGHAM, in moving for certain Returns referring to the business transacted by the Superior Courts and County Courts respectively, said, his object in moving for these Returns was to show the extent of the jurisdiction of these Courts, and the vast amount of the business they transacted. No less than 738,000 suits were commenced in those Courts in one year. The amount of money claimed in those suits was £1,900,000, and the sum recovered £970,000. These figures alone indicated the vast importance of this local jurisdiction. The number of actions commenced in the superior Courts last year was 86,277. He found that in the County Courts there were in one year 3,631 suits for sums between £20 and £50, while in the superior Courts there were only 378 cases. The great importance of the County Court jurisdiction could not, therefore, be

overrated. And in connection with this subject he would call his noble and learned Friend's attention to a suggestion which he made many years ago in that place—he meant the expediency from time to time of promoting County Court Judges. In the first place, it would give us access to the highest ability and the greatest learning in the profession—to much greater learning and much higher ability than we are likely to obtain if these County Court Judges had no prospect whatever of further advancement. But there was another argument in favour of the suggestion he had made. No one who knew Westminster Hall would deny that there was always very great difficulty in determining whether those promoted to the bench were suited by judicial qualities for that position. The only test they had was generally a very fallacious one as to judicial fitness—namely, success at the bar. A man, as every day's experience showed, might be very eminent as an advocate without being equally distinguished as a judge. Many a person most distinguished at the bar had disappointed expectations on the bench. But in the County Courts they saw men displaying judicial qualities of great distinction, and if they found that a Judge was greatly preferred by suitors, because he gave satisfaction in that important office where there was a choice in trying the action, they had an excellent test whereby to determine his capacity for judicial duty. He hoped his noble and learned Friend on the woolsack would give his best attention to this subject. The noble and learned Lord concluded by moving for Returns of Writs of Summons and Plaints issued from the Superior Courts and County Courts respectively in the years 1858 and 1859, and the results, distinguishing the verdicts or judgments for sums between £20 and £50.

Returns ordered.

STIPENDIARY MAGISTRATES BILL.

LORD DENMAN said, that this Bill, which stood on the paper in his name, had come up to the House after the 26th July, the day after which the Resolution adopted by their Lordships declared that no Bill, unless of a very urgent nature, should be read a second time. He considered this Bill to be of a very urgent nature, and therefore begged to move to resolve,

"That as regards the Stipendiary Magistrates Bill the Difficulties attending the Execution of the Office of Justice of the Peace in unincorporated

populous and increasing Towns and Places constitute Circumstances of such real Urgency as to render the immediate Consideration of the said Bill necessary."

LORD REDESDALE thought his noble Friend had not made out any case which would justify the House in departing from the Resolution which had been adopted with regard to the period after which Bills, unless of an urgent character, would not be read a second time.

EARL GRANVILLE understood that it was by mere inadvertence as to a point of form that the noble Lord had been prevented from placing the Notice on the Paper insufficient time. It was for their Lordships to consider, under such circumstances, whether they would be disposed to suspend the Standing Order.

After a short conversation, *Resolved in the negative.*

House adjourned at a quarter before
Eight o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 30, 1860.

MINUTES.] PUBLIC BILLS.—1^o Industrial Schools Act (1857) Amendment.
2^o Augmentation of Small Benefices (Ireland); Sale of Gas Act Amendment.
3^o Senior Member of Council (India); Superannuation Act (1859) Amendment; Admiralty Jurisdiction (India); Poor Relief, &c. (Ireland); Ionian Islands (Marriages).

THE FORTIFICATIONS.—QUESTION.

SIR CHARLES NAPIER said, he would beg to ask the Secretary of State for War under whose direction the Fortifications at Hilsea and Browndown are constructing; as it appears from the plan laid upon the Table of the House, that other Fortifications are to be constructed to protect them.

MR. SIDNEY HERBERT said, that in a system of detached forts each must act as a support to the other. The works at Hilsea were of great importance, because they commanded the space between Portsmouth and Hilsea Harbour. Judging, however, from the difficulty of access to Browndown, it had only been thought necessary to have one fort there.

SYRIA.—ENVOY AT THE LEBANON.—QUESTION.

MR. BERNAL OSBORNE said, he wished to ask the noble Lord, the Secre-

tary of State for Foreign Affairs, Whether there is any truth in the report that an Envoy has been appointed to the Lebanon? And if so, Whether the noble Lord will have any objection to communicate the instructions that are, or will be given, to him?

LORD JOHN RUSSELL stated, in reply, that some time ago a proposition was made that a Commission should be sent to Syria; that some Europeans should be attached to it; and that it should not consist solely, as in the case of the Commission sent to Bosnia and Bulgaria, of Turkish officials. It was the opinion of the Government and of our Ambassador at Paris, that it would add strength to that Commission, if some person were to go from this country. Accordingly he had been empowered by Her Majesty to request Lord Dufferin to proceed to Syria as one of that Commission. The instructions which he proposed to give to Lord Dufferin would be entirely of a general nature, and would be in substance identical, or nearly so, with those given to the other European Commissioners. The detailed instructions must, of course, emanate from Constantinople. He might add, that a communication was received from Admiral Martin on Saturday, stating that he was going to Beyrout with five sail of the line.

SIR JAMES FERGUSSON said, he wished to know whether the intention of sending French or English troops to Lebanon has been abandoned for the present?

LORD JOHN RUSSELL said, the intention had not been abandoned. There would be a conference held to-day of the Ambassadors of the five Powers, together with the Representative of the Sultan at Paris, to consider what should be done. He would communicate the result to the House as soon as he received the necessary information from Paris.

THE BRITISH CEMETERIES AT SEBASTOPOL.—QUESTION.

MR. DANBY SEYMOUR said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the British Government had authorized the appointment of an agent at Sebastopol to watch over the graves, at a fixed salary; Whether such salary has been paid by the Government, and to whom, and through whom; and, if so, why no agent has hitherto been there for that purpose?

LORD JOHN RUSSELL said, he had

Mr. Bernal Osborne

not had an opportunity, as yet, of referring to the correspondence alluded to. There had been a person named to take charge of those graves; but he had declined to act. He (Lord John Russell) communicated with the Russian Government on the subject; and he did not believe there would be any objection from that quarter to such a proceeding on the part of Her Majesty's Government. The information received recently from Sebastopol was of a satisfactory character.

On Order of the Day for resuming the Adjourned Debate on the European Forces (India) Bill. (Committee.)

ORDER OF DEBATE.

MR. HORSMAN (who had several times attempted to address the House, and had been called to order by Mr. SPEAKER) said, he rose to move the adjournment of the House with a view of putting himself in order. He held that after having given notice of his intention to put a question to the First Minister of the Crown, he was entitled, according to his experience, to ask the question when that Minister appeared in his place. He was therefore under the necessity of interfering with the Motion which the right hon. Gentleman had put from the chair in order to call the attention of the noble Lord and of the House to a subject which he thought ought to be disposed of before the business of the day was proceeded with. On last Friday evening the House was under the impression, up to the time of the adjournment of the debate on the Bill relating to the forces in India, that the question of fortifications would be the first business for to-night, and he rose in order to make an amicable arrangement with the Minister as to the day when that measure should be brought on. He now desired to put it to the noble Lord whether, after the statement he made the other night as to the condition of affairs abroad and of insecurity at home, it was not due to the House, to the public interests, and to the noble Lord himself, that that statement should be followed up by such a course of action as, according to the noble Lord's views, the public safety imperatively demanded. Though there was a general feeling that lately the business of that House had been conducted in a manner not entirely satisfactory, still there was a more general feeling that this indefinite postponement of the question of national defences was treating an important

subject with carelessness and levity, and he hoped the House would be no party to such indefinite postponement. In speaking on the matter he stood in this peculiar position, that he was entirely opposed to the Bill which stood first on the Orders of the Day, and was strongly in favour of that measure which had been indefinitely postponed. He believed that the present was the anniversary of the day last year when he had the honour of submitting a Resolution on National Defence, and he was glad to find that after twelvemonths' delay and lengthened inquiry his plan had been adopted by Her Majesty's Ministry. Upon that occasion he was unfortunately left in a very woful minority; and the present result was encouraging in many respects to those who undertook the thankless task of independent action in that House, and he recommended it to the reflection of his Indian friends and those who being in a small minority found themselves overborne by a majority. He thought, with respect to the question of fortifications, the House had a right to know whether some positive day would be fixed for its consideration. The noble Lord had referred to the Report of the Commission, which he had endorsed by his own opinions and comments, and up to the last moment of all questions that could be discussed none seemed to approach in importance that of the national defences. The House had been told, after official inquiry, and upon high official authority, that the sacred soil of this country was in great danger; that the coast might be invaded, the arsenals destroyed, the shipping burnt, and all that was most valuable destroyed. A more alarming statement could not have been made to Parliament, and it was the more extraordinary when the quarter from which it proceeded was considered—

MR. SPEAKER: I beg leave to point out the irregularity which is now being practised on this House. The right hon. Gentleman stated that having given notice to the First Minister of his intention to ask him a question, he thought that when that Minister came to the House it was competent for him to rise and ask the question of which he had given notice. The question referred to by the right hon. Gentleman had already been asked in the House, and, in the absence of the noble Lord the First Minister, had been answered by the Secretary of State for War. The right hon. Gentleman the Secretary of State for War answered the question of the right hon. Gentleman

the Member for Stroud as to what time the question of the fortifications would be brought forward. The First Minister of the Crown afterwards entered the House, and had been in the House for several minutes before the Order of the Day was read. The noble Lord had passed my chair before I called on the last two Notices. After his arrival an unopposed Return had been granted and some other business transacted before I directed the clerk to read the Order of the Day. After the direction was given to read the Order of the Day the right hon. Gentleman rose and said that, for the purpose of putting himself in order in asking his question of the noble Lord the First Minister he proposed to move the adjournment of the House. I do not recollect in the course of the experience which I have had in this chair that after the clerk has proceeded to read the Order of the Day, and after an hon. Gentleman had risen to address the House on the Order, an hon. Gentleman has on any former occasion risen for the purpose of interposing the Motion for Adjournment in order that he might ask a question foreign to the matter before the House. It is true that in this instance the hon. Member in possession gave way for the purpose of allowing the hon. Gentleman to make his Motion, and I admit that this House does permit Motions for Adjournment to be made. It is for the House to consider under what circumstances they should be made; but I call the right hon. Gentleman to order on the present occasion, because, taking advantage of the Motion for Adjournment, he is proceeding to discuss the question of fortifications, which stands tenth on the Orders of the Day, and which by a rule of this House it is not competent for any hon. Member to discuss on the Motion for Adjournment.

VISCOUNT PALMERSTON: Perhaps I may be allowed to answer my right hon. Friend in a few words on the Motion for Adjournment. I have to express my regret that I was a few minutes later than usual in coming down to the House, but this afternoon I went out of town, and was detained later than I had expected in the transaction of business which was necessary to be done. At the same time, I was in my place, though my right hon. Friend did not see me, before the direction of the Speaker for reading the Order of the Day. With regard to the question itself, I am as anxious as the right hon. Gentleman himself that the question of the fortifica-

tions should be resumed as soon as possible; but before it was brought on the House was engaged in the question of the amalgamation of the Indian forces with those of Her Majesty; and this is also a matter which I consider of very great importance to the interests of this country. I am always more glad to have my right hon. Friend as a coadjutor than as an opponent; and as he appears to be in agreement with myself on the question of fortifications let me entreat of him to give his assistance in that way which at present would be most effectual. Let him use his influence on those with whom he can prevail to discontinue what I must take leave to call an abuse of the Orders of the House, by which an attempt is made to defeat a very important measure by the interposition of every sort of obstruction.

SIR DE LACY EVANS: I rise to order. Is it competent to the noble Lord, in answer to a question, to comment on the conduct of hon. Members?

VISCOUNT PALMERSTON: I believe I am only saying that which any hon. Gentleman would be at liberty to say. In answer to my right hon. Friend, I am unable to come to any decision now; but the subject of the fortifications is one of paramount importance, and I can promise that no time will be lost in affording the House an opportunity of pronouncing an opinion on it.

EUROPEAN FORCES (INDIA) BILL.

COMMITTEE.

Order read, for resuming Adjourned Debate on Question [27th July],

"That it be an Instruction to the Committee, that they have power to make provision therein that all appointments to military commands in India (the commands in chief alone excepted), and all Staff appointments, whether military, naval, or medical, be vested in the Governor General in Council and other constituted authorities in India."

Question again proposed.

Debate resumed.

MR. DANBY SEYMOUR said, it was not his wish or that of any Gentleman who concurred in his views to throw any obstacle in the way of the fair discussion of this measure. The reason why these instructions were moved was that, unless they were agreed to, hon. Members were precluded from moving any clauses to that effect in Committee. The object of the instruction now before the House was to give by Act of Parliament to the Governor

General that power which the Secretary of State said he was perfectly willing to give him. It was not right that the Governor General should hold that power merely at the will of the Secretary for India, who, by a stroke of the pen, might at any time transfer it to the Horse Guards. If the right hon. Gentleman really wished this power to remain in the hands of the Governor General, how could he object to this instruction? The right hon. Gentleman seemed to want to vest absolute power in the Secretary of State, but to this there were many objections. There had recently been three Indian Secretaries within the space of four months; and when there were such frequent changes among the holders of this office differences of opinion might exist which would lead to great inconvenience. What had been the course of Indian legislation for the last twenty years? Indian officials declared that the event which first appeared to shake the British power in India was the interference of the home authorities in the Affghan war, which was undertaken by the Home Government against the weight of Indian experience. The next event which shook Native confidence and English prestige was the policy of annexation, which was also supported by the Home Government against the weight of Indian experience. The third great occasion was the introduction of the financial measures of the right hon. Gentleman the present Secretary of State, who five years ago reduced the interest on Indian loans, thereby saving a considerable sum to the Indian exchequer. For this the right hon. Gentleman was applauded at home, but condemned in India; and on all these occasions the course of the Home Government, prejudicial as it had been to our rule in India, had been at variance with the experience of Indian officials. He hoped, in conclusion, that the Secretary of State would not refuse his assent to an Instruction which would merely carry out the opinion expressed by the right hon. Gentleman himself.

COLONEL SYKES said, he had some remarks to make upon the proposed instruction. But previously to doing so, he wished to correct the report of what he had said on a previous occasion with respect to the 5th Dragoon Guards. He had been understood to state that this regiment joined the rebels in Ireland in 1799. What he had really said was, that the 5th Dragoons (not Dragoon Guards) had refused to charge the rebels on that occasion, and he re-

Viscount Palmerston

gretted that any pain had been occasioned to the 5th Dragoon Guards, a distinguished regiment, by this misapprehension. With regard to the instruction to the Committee before the House, the question was whether the Governor General of India was to have the entire control of the civil and military departments under him, or whether the War Secretary and the Horse Guards were to participate in that control? Mr. Wiloughby, a gentleman of great Indian experience, said that the uncontrolled authority of the Indian Government was absolutely necessary to the good government of India. Lord Elphinstone said that if there was one thing which must be laid down as a principle not to be departed from in our military Government in India it was the entire subordination of the army, both European and Indian, to the Government of India; that the troops of the Queen's regular army, while serving in India, must be wholly subject to the authority of the Queen's Government in India; that military promotions indeed might be left entirely to the Horse Guards, but the patronage of every staff appointment in India should be vested, as with few exceptions it now was vested, entirely in the hands of the supreme and local Governments. All that the Instruction to the Committee aimed at was that the House should confirm this. The recommendation of a man who was entitled to so much of their respect and confidence, Mr. Frere, in his Minute, said that the localized character of the three armies was a main cause why the mutiny was chiefly confined to the ranks of one of those armies, and that it would have spread wider and been more disastrous, had it been centralized under an authority like the Horse Guards. He would ask how could there be a complete control exercised by the Governor General, if it was to be participated in by the Secretary for War and by the Commander-in-Chief of the Forces in England? In August, 1858, the Commander-in-Chief had applied to the Indian Department that all Returns relating to the forces in the East Indies should be sent to him, in order that he might exercise a complete control over those forces, thus asking for the Horse Guards, already overburdened with work, the control and management of an additional army of 300,000 men. The reply of the noble Lord then Secretary of State for India was, that it was not necessary to adopt the measure indicated by the Commander-in-Chief, and it was gratifying to find that

the noble Lord still entertained that opinion. He would give an instance of how necessary it was that the Governor General should have the power of selecting officers. The House would remember our misfortunes in Afghanistan. Unhappily the Cabool army was placed under an officer who had been appointed to the Staff in India, not by the Court of Directors or Governor General, who, according to present opinion should have been a perfect master of strategy, because he had been drilled in one of the regiments of Her Majesty's army. However, the result was that the whole of the Cabool army, with its followers, was lost, only one person, a doctor, making his way to Jellalabad; our ladies were left in the hands of the enemy; our honour was sacrificed. It was resolved—it was happily resolved—that an attempt should be made to redeem our honour, and the Governor General selected as the commander an officer who had never been in the Royal army, had never been drilled by a Royal drill master, and was therefore incompetent, according to recent *dicta*, to command at all. That officer was General Sir George Pollock. The Native army, actuated by great and strong prejudices, were under disquietude with regard to crossing the Indus, and entering the regions of Afghanistan, because that act, according to their sacred book, involved the loss of high caste. At the same time great sickness prevailed in the army. But Sir George Pollock, with that tact and knowledge of the Native character which distinguished him, entered the hospitals, mixed with the men, spoke to them as a father speaks to his children, and urged the necessity of avenging the recent reverses. In this way the disquietude was dissipated and confidence restored. The consequence was that the formidable pass of the Kyber was stormed; Jellalabad, which had been besieged fifteen months by the Affghans, was relieved, Cabool was taken, and ultimately the ladies were recovered, and the honour of the British arms restored. And had the same prudence, and the same tact, and the same knowledge of Indian character been employed to avert the mutiny in the Bengal army, which, after all, originated in caste prejudices, and not in disloyalty—not, he repeated, in disloyalty, but in religious prejudices—we should never have had a mutiny at all in India. And that the mutiny did originate in this way was proved by the correspondence of Sir George Anson, the Commander-in-Chief, and others

with the military authorities at the dépôt of regiment of Enfield rifle instruction at Umballa, which he held in his hand, and which had been sent for by the noble Lord the Member for King's Lynn, although it had not yet been laid on the table in an official shape.

He next came to the importance and danger of the patronage question and how necessary it was that the control of the army in India should be continued in the Governor General. The total number of British officers in the local armies was no less than 4,980. Their commissions, as they fell vacant, would be filled up by the Horse Guards, and a dangerous amount of patronage would thus be added to that already possessed by the military authorities at home, of which the nation was very properly jealous! But, independently of these commissions, there would be the appointment of three Commanders-in-Chief in India, and eighteen Generals of Division, each with not less than £4,000 a year, besides adjutants and quartermasters general, and inspectors general of hospitals, and other appointments. The Secretary for War stated that there were 145 officers of the Line already employed on Staff appointments in India, and as their places would necessarily be filled up in their regiments, 145 additions would be made to the Indian service at the expense of the revenue of India, and without the authority of the Secretary of State for India and at the expense of the poor ryot, who had been the constant theme of sympathy which under the so-called oppressions of the Company, when it was desired to crush the Company by the India Bill of 1858. If the ryots were their paupers they were likely to be much more pauperized by additional charges for the future. It seemed to him that there would be constant collisions between the Home authorities and the Governor General, and these collisions had already taken place; for it appeared that direct communications had been addressed to the Commander-in-Chief in India, without going through the Governor General. For example, an order might be sent out to India to send a particular regiment home. The Governor General might say the regiment could not be spared, but the order from home would be pleaded, and thus a collision would be the consequence. He maintained that the Governor General should be absolute in India, that India should be governed by him as Viceroy, under the control of the Secretary of

Colonel Sykes

State for India, who was responsible to that House. He repudiated the bugbear of two armies in India. How could there be two armies? All the local troops took the oath to the Queen, and the officers held Royal Commissions under the Viceroy of India. How, then, could they be called two distinct armies? They no more formed two armies than did the Line under the Commander-in-Chief and the Marines in England under the Admiralty. When they came to consider the question of amalgamation he would be prepared to show that, if good faith were kept with the local army, amalgamation was, under the 56th Clause of the Act, practically impossible.

SIR CHARLES WOOD said, his hon. and gallant Friend put an interpretation upon the clause of the Act to which he had referred which few, if any, would think of doing. His hon. and gallant Friend said that it was impossible, with that clause of the Act in existence, to make the change which he proposed. They did not, however, depend on amalgamating the two armies. It would not be denied, that if the East India Company had still existed they would have been able to reduce the local army, and if so it followed that this interpretation of the clause was one which no legal man was likely to put upon it. The policy of annexation had been alluded to. That was the policy pursued by the Marquess of Dalhousie. Sometimes that policy was confirmed and sometimes it was rejected by the Government at home, and he himself, when at the Board of Control, had put a stop to the annexation of Kerowly. With regard to his financial policy in the reduction of the interest on the 5 per cent loan of 1853-4 he did not wish to disclaim any responsibility. It was commenced by the Marquess of Dalhousie with his approval, and he had confirmed what the Government of India had done. In none of the three cases referred to by the hon. Member for Poole had the Home Government acted in opposition to the views of the Government of India. [MR. DANBY SEYMOUR: I did not say Governors-General; I said Indian statesmen.] The hon. Gentleman would perhaps exclude all those who did not agree with him from the ranks of Indian statesmen. He would not follow his hon. and gallant Friend (Colonel Sykes) through the history of the Affghan campaign. Sir Robert Sale, a Queen's officer, defended Jellalabad; Sir George Pollock, a Company's officer, relieved it. The

honours, therefore, were fairly balanced between the two. But he had carefully avoided any comparisons that might arouse the feelings of any one; and he would not go further into the subject now. Coming to the Motion of his hon. Friend the Member for Pontefract, he was surprised at the grounds on which his hon. Friend brought it forward. He argued as if the Bill deprived the Governor General of all authority, and concentrated it on the Secretary of State for India and the Commander-in-Chief at home. He should feel obliged to those who might follow him if they would point out in what way, how, and where a single word of this Bill would operate the change that his hon. Friend deprecated so strongly. The divisional commands and Staff appointments were all made by the Indian Government. Formerly cases occurred in which the Home Government interfered and ordered certain appointments to be made by the Indian Government, but now these appointments were left to the Governor General and the Commander-in-Chief in India. If all the appointments were to be made by the Governor General of India from officers serving in India, that country would be debarred from the services of those who had once served in India, but who were at the moment in this country. Lord Clyde was sent out from this country, so were Sir William Mansfield, the Chief of the Staff; Sir Hugh Rose, who had distinguished himself by his brilliant achievements during his command in Central India; and Sir Hope Grant, who had been selected from his services in India for the command of the forces in China. If the recommendation meant anything at all these officers could not have been sent out to India, because the Governor General would not send home for officers of this kind when he wanted them. The proposal would therefore exclude from Indian service any officer of Indian experience who might happen to be at home at the time when a vacancy occurred. Nothing so detrimental to the Indian service could be devised as such a proposal. The Bill made no change whatever with regard to these appointments, and he should therefore resist the proposal of his hon. Friend the Member for Pontefract, not, however, because he wished to reserve to the Commander-in-Chief at home the appointments that ought to be made in India. The proposal, if it were operative, would do mischief, and if it were inoperative would be useless.

MR. RICH said, he thought the objects of the opponents of the Bill would be best served by waiving all discussion on minor points, and proceeding at once to the debate upon the Motion of the hon. and gallant Member for Ayrshire (Sir James Fergusson) against proceeding further with the measure at present. He, therefore, would recommend his hon. Friend the Member for Pomfret, and the other hon. Members who had given notice of Instructions, to withdraw their Motions.

SIR EDWARD COLEBROOKE objected to the policy of the Government in calling upon Parliament to sanction a Bill for the organization of the Indian army, when the details of the measure were to be left entirely to the subsequent regulations of the Executive. He was not, therefore, surprised at private Members stepping forward to propose plans to supply the deficiency, and he was astonished at the simplicity of the right hon. Gentleman the Secretary of State for India in stating that nothing was proposed by the Bill in the direction pointed out by the hon. Member for Pomfret. That was the very reason for which he quarrelled with the measure. As he wished, however, to proceed as soon as possible to a direct opposition to the Bill, he concurred in the recommendation of the hon. Member for Richmond (Mr. Rich).

MR. MONCKTON MILNES rose, and was about to address the House, but was stopped by Mr. SPEAKER, who told the hon. Member he had no right of reply.

Question put, and *negatived*.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR JAMES FERGUSSON said, that as two hon. Members had abandoned the Instructions of which they had given notice, he was ready to move the Resolution of which he had given notice, and to oppose the further progress of a Bill for abolishing the present system without enabling the House to judge of that which was to be substituted in its stead. There had been an evident distaste to embark in Indian discussions, which had on former occasions led to measures being passed of which Members knew little. It would be better now if the discussion were taken on one question, which might be fully raised and fairly disposed of, rather than that the arguments against the Bill should be diluted and wasted on points of detail, which might, perhaps, have been discussed

with advantage at an earlier period of the Session. But as the Government had brought forward no plan, and as at that advanced period of the Session it was hopeless to attempt to legislate for the reorganization of the Indian army in the same manner as was done in the case of the transfer of the Government of India from the Company to the Crown, there was no other course for those who saw danger in this Bill to pursue than to ask the House to refuse to abandon a system which had been found successful for so many years, and to expose that country to all the evils of a change the effects of which they could neither anticipate nor calculate upon. He should not, however, have come forward to move the Resolution if he had not been requested to do so by hon. Members whose opinions in opposition to this Bill he fully shared. The right hon. Secretary of State for India had endeavoured to narrow the question on which he asked the opinion of the House. He had avoided, he said, encumbering the decision of the question by details. But it was in the details of the scheme that its essence lay, and unless they saw the manner in which he proposed to carry it out they ought not to leave to the decision of a Government—probably to the decision of a single minister—the settlement of so large a question. In discussing the Bill, questions were opened up of still larger importance than the organization of the Indian army—in fact, they saw in the Bills which the right hon. Gentleman introduced with respect to the civil service, but which had since been withdrawn, that this was only a part of a gigantic scheme of centralization, which would transfer the Government of India from Calcutta to an office in London, where neither the civil nor the military services would be usefully governed. In the words of the political and military Committee which had sat to examine these subjects, in this matter were involved questions affecting the stability of India, the renown of our army, the power of England, and the future welfare of both India and England. He asked the House then to look with some jealousy on that very new plan of governing India in England. Before assenting to any such alteration the House ought to consider fully the constitutional and financial questions which were involved in the change—ought to ascertain how the efficiency of the army and the national safety were to be provided for, and to know what arrangements the Government in-

Sir James Fergusson

tended to substitute for the system which they were about to sweep away. The right hon. Gentleman the Secretary of State for India had justified his conduct in introducing this measure without consulting his Council by a reference to a speech delivered by the right hon. Gentleman the Member for Bucks, when Chancellor of the Exchequer and leader of that House; but although some portions of that speech might bear such an interpretation, yet its general tenor was exactly contrary. His right hon. Friend then said:—

“We are now asked, ‘What have this Council to do?’ Sir, what they will have to do is generally to perform those duties which are now performed by the Court of Directors. They will be a Council who will have to review our Indian administration, and who will virtually, if not theoretically, initiate measures, and to present the result of their judgment and researches before the Minister of State, who, it is reasonable to presume will be guided in most cases by their labours and counsels. It will be a real Council, as I hope it will be found a prudent and a prudential Council.”

The right hon. the present Secretary for India also said,—

“Let the House remember who these Counsellors would be. They would be men who had held high offices in India, had acted as ambassadors at Native courts, and had ruled provinces with pro-consular power; men who, having spent the greater portion of their lives in India, took a deep interest in Indian affairs. . . . Was it likely that they would sacrifice the welfare of the Government of which they themselves formed a part, rather than give an independent opinion to a minister?”

So the noble Lord at the head of the Government said,—

“The business of the Members of Council will be to give honest and sincere advice to their principal.”

But how had the right hon. Baronet dealt with that Committee? He had not consulted them, but the Cabinet, on the subject of the measure. He (Sir James Fergusson) asked, in what clause of the Act was it provided, that a Bill for the reorganization of the Indian army was to be introduced to Parliament without the Council being so much as consulted.

Perhaps, the most important question for consideration was, how the power of the Governor General was to be maintained. The Governor General, as was pointed out by Colonel Durand in his able Minute on this subject—and his (Sir James Fergusson's) apology for quoting from the papers must be that to neglect the infor-

mation which they contained would be to imitate the conduct of the Secretary of State for India—had always exercised the supreme civil and military command of the country. That able officer said :—

“ What is the object of this military experiment ? To centralize under the Horse Guards the administration of the Indian armies ; this, too, when the events of 1857, 1858, and 1853, have afforded irrefragable proof of the expediency of distinct armies and distinct systems. Under the late Act the powers of Her Majesty's Viceroy remain unaltered ; and though a reference was made in August, 1858, by Her Majesty's General Commanding-in-Chief and by Her Majesty's Secretary of State for War upon the scope of this enactment with reference to Her Majesty's Indian armies, the opinion of the law officers was ‘ that the control of the whole military, as well as civil Government of India, which was vested in the Governor General by the Act of 1833, sec. 39, is undisturbed by the recent Act ; ’ and that it was not competent to the Secretary of State in Council, or any other authority, to transfer or delegate to the General Commanding-in-Chief any powers over Her Majesty's Indian armies not possessed by him prior to the 21st and 22nd Vict., thus clearly laying down that there was no indication of any purpose on the part of the Legislature in that Act to depart from the main features of the policy under which the empire of India was added to the British Crown. It is incumbent upon those who advocate placing the Indian armies under the Horse Guards to prove that this can be done without seriously impairing the position and authority of Her Majesty's Viceroy in India, and without the complete subversion of the principles upon which, up to a very late date, the Imperial Parliament has hitherto deliberately seen fit to hold India. The Governor General is now regarded by the people of India as being really, not nominally, at the head of three armies. Nowhere more than in India is it ingrained in the mind of the people that the sword and the sceptre are synonymous terms. I am of opinion that late events in India, instead of affording any argument for the reduction of the power and authority of Her Majesty's Viceroy, render it more than ever imperative that his hands be strengthened ; and that, as the representative of the Crown, the reality and not the empty name be conferred upon him.”

As a contrast to that, let the House consider the following extract from a despatch of the late Secretary at War :—

“ I request that the necessary instructions may be given without delay to put me and the General Commanding-in-Chief in official relation with Her Majesty's troops now serving in India. To effect that object it will be necessary that all Reports and Returns should be made to me and the General Commanding-in-Chief by the Commanders-in-chief of the different Presidencies in India, in the same manner as obtains in other parts of Her Majesty's dominions.”

The measure proposed by the Government would practically diminish the power of the Governor General, by placing the Indian army under the entire control of the Com-

mander-in-Chief at home, and it might thus shake the security of our Indian empire.

He would next ask the House to consider the question in its financial bearings. At a time when the financial affairs of India were the source of great anxiety, it was of the utmost consequence that in any change we might make we should not add to the burdens of the Indian people. The Government had consulted an eminent actuary as to the comparative expense of a regular and a local force. It appeared from the Report of that gentleman that the cost of Queen's troops was much greater than that of a local army. Supposing a force of 80,000 men, he stated that the expense of Queen's troops would exceed that of local troops by no less a sum than £460,000 a year ; were two-thirds Queen's troops and one-third local troops, the additional cost would be £308,000 ; were one-third Queen's troops, which was about the present proportion, it would be about £180,000 a year. Consequently, the plan of the Government would entail upon the people of India a taxation of nearly half a million more than would be required for local troops. It was evident that a regular army would involve a much larger expenditure of men than a local army. He believed that 29,000 men would have to be carried upon the sea every year to keep up a Royal army in India to the extent contemplated by the Government. Another important consideration was the health—in other words, the efficiency—of the army in India. Some people said that old soldiers lost their health in India ; others, that they became acclimatized, and better able to take care of themselves. He believed there was some truth in both statements—that Europeans deteriorated after a certain number of years' service in India, but, at the same time, that men who had resided there for a few years knew better how to protect themselves than raw recruits just arrived from England. Two years ago not a word was said against the efficiency of the Indian army. At that time the Indian army was quoted as the perfection of organization, and we were overflowing with gratitude to the men who, at the hottest time of the year, fighting battles every day, had forced their way to the relief of our countrymen in Lucknow. What had worked such a change in public opinion within the short space of two years ? Besides, there could be no doubt that the Staff in India had been promoted much

more from considerations of merit, and not of patronage, than the Staff in the Royal service; and that was necessarily an important point in considering the question of military efficiency. In connection with this subject an important consideration had reference to the national safety. If the preservation of India was important for England's position in the world, it must be evident that any change which diminished the security by which India was held must be dangerous to the stability of the empire. Supposing a European commotion to take place, how was the army of India to be kept up, if it were to be dependent on reliefs from this country? Might it not be feared that India, when there was a demand for troops elsewhere, might be left unguarded, and that some ambitious politicians abroad might take advantage of the circumstance to excite rebellion in that distant country? Another great advantage of maintaining a local army in India was that it ensured the services of officers specially trained for the special duties they had to perform. The Indian army was thus commanded by men who knew India, and who looked to that country as the scene of all their advancement. It was well known that many of the very highest authorities were opposed to the measure, and among them they might mention Sir John Lawrence, who had, perhaps, contributed more than any other individual to save our Indian empire. On the 17th of December, 1859, Sir John Lawrence expressed the following opinion:

"There are peculiar and especial reasons for maintaining a local army in India, reasons which none of the officers who advocate its abolition have really grappled with; while the evils connected with it are due to the unhappy selection of officers for high commands in India. The reform that is required, then, is not to do away with the local army, but to take effective measures to prevent the abuse of patronage at home, otherwise we shall find, but too late, that a new system has been introduced, in which, not only are the old evils perpetuated, but new ones, equally injurious, are superadded. I believe that the more the matter is inquired into the more important will it be found that the main body of the Indian army should be local."

An important subject for the House to consider was, the connection of the present Bill with the maintenance of the guarantees into which Parliament had already entered for ensuring the permanence of all the advantages to which the officers of the local army were entitled under the old system. Sir William Mansfield, who was himself favourable to the change, ex-

pressed his belief in the following passage, that some extraordinary measure must be adopted in adhering to that engagement:—

"I believe that whatever may have been our opinion before on account of political convenience, and the guarantees given by Parliament to the officers of the Indian army, all these considerations must be swept entirely away, and that the plan of his Royal Highness must be adopted in preference to any other which should continue the existence of a local force, which has now shown that it is capable of combining against authority for the attainment of its own ends and the intimidation of Government. You are aware that till recently I have been of opinion that with reference to the Act of Parliament and the guarantee claims of the Indian officers, no resource lay open to us but a transition measure of a local European army; but now that I see that we cannot ensure loyalty, of which we had immediate and actual experience, it is necessary to look the state of things straight in the face, and blot out altogether all local and partial or class considerations, the Parliamentary guarantee being provided for in some other manner, as best may be done."

Sir Patrick Grant did not go so far, and was too just a man to advocate such opinions. He said that the guarantees of Parliament must be kept. Mr. Willoughby declared that no plan had been devised by which amalgamation could be effected without violating the Parliamentary guarantees contained in the Bill of 1858. Well, the House was entitled to know how the right hon. Gentleman proposed to deal with these guarantees, and unless there was upon the table a plan by which public faith with the service would be maintained inviolate, the House ought to have time for consideration.

What were the reasons for the change of opinion on the part of the Government since the 10th of August last, when the right hon. Gentleman had proposed that the local European army in India should not only be maintained, but increased? Had the Government become aware of any alarming disclosures of discontent in the European troops in India which were unknown before, there might, indeed, have been some ground for this change; but if on the 10th of August they were cognizant of every important particular connected with the so-called mutiny, he could see no ground for the course now proposed. On the 14th of May the Commander-in-Chief in India wrote a letter in which he dwelt on the fact that not one of the non-commissioned officers had come forward to tell their superiors of the discontent prevailing in the regiments. On the 18th

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of May there was a despatch from the Commander-in-Chief to the Governor General, enclosing an intercepted letter written by a gunner to his friends at other stations, proposing a general movement and a combined strike in the whole army. These two letters contained the gravest statements respecting the discontent, but they must have been in the hands of the right hon. Gentleman when he made his speech on the subject last year.

SIR CHARLES WOOD: As a matter of fact they were not.

SIR JAMES FERGUSSON, admitting that the knowledge of those circumstances was more recent than he had been led to anticipate, said he should now endeavour to show that the information thus furnished to the Government was not entitled to such weight as warranted them in changing their opinions. With reference to Lord Clyde's remark about the non-commissioned officers, Sir John Lawrence had pointed out that the sergeants of the local European army could not be fairly charged with complicity, because the existence of the discontent was carefully kept from them; and as to the gunner's letter of which so much had been made, it was merely addressed to one person, and contained the request that it should by all means be kept secret from the sergeant. The letter, the grave part of it, ran thus:—

"We all meet to-night at the Monkey Tank for to a pint the day of strike for good or for the worse. But I shall not close my letter until I hear what it is to be, then I shall be able to let you know all of it. And again our 1st troop is ready to make for Meerut at our call, and light troop of Rifle Horse Artillery; they are ready to stand to act at the time to be stated, and the 75th do say that not a man will fire a shot at any of us; so things is going on very steady in Meerut and Lucknow; and in Muttra with the 3-3 H. A.; and in Lucknow with the 1-1 N. M.; and the 3-1 H. A. in Delhi; the 4-1 L. A., and the 1-4 F. M. But I cannot tell you all, but you will hear all before long. Your troop is the only troop that is at a stand what to do. But you must not let my letter be seen to any of your sergeants, but to as many of the gunners as you like; for we will make a fine gale of it when we do make a stand, and that will be in a day or two."

He believed that the statements in that letter were absolutely false, for the Queen's troops would have acted if they had been called upon. The letter was a foolish and stupid one, and yet it was upon such grounds as these that the right hon. Gentleman proposed to make the great change he had submitted to the House. The dis-

content of the men had arisen from no mutinous spirit, but from a conviction that the law had been violated with regard to them. They had not refused to obey the law, but denied that they were under any law which obliged them to transfer themselves to the Crown. They showed that at the very time when this transfer was proposed men were being paid a bounty to volunteer from the Queen's to the local army, which in their minds proved that the two services were distinct; and one of them laid bare the main grievance when he said that had an option been given to them seven men out of ten would have entered the Queen's service willingly. The letter was as follows:—

"I have the same grievance as I fancy every other soldier has who is come before this Court; regarding the transfer, I consider I ought to have had option of discharge or re-enlistment, and therefore I feel aggrieved at not getting either one or other. I took the oath at page 182, when I enlisted into Her Majesty's service, which I was in a long time. I was regularly discharged, as I wanted to see after some property, but I met with disappointment, and after two years and nine months I re-enlisted into the Company's service; I did not then take that oath; but I took the one at page 183. If the Government had given, as I think they should, the option of discharge or re-enlistment on the transfer to the Crown, there would not have been so much trouble thrown on the authorities. I can answer for it that the great cause of discontent is not having the question asked, and having no option; had it been otherwise I believe seven out of ten men would have entered Her Majesty's service willingly. Some men may say that they think they may be compelled to re-enlist, but I do not think so, and I try to prevent others from believing falsehoods."

Lord Clyde, who now showed the men such little mercy, had stated that upon the enlistment for the Company's service, the recruit was asked whether he would serve the Company only; that no alternative of serving the Crown was contained in the attestation; and that even in the old regiments of the Crown a man could not be transferred from one regiment to another without his free consent, he having enlisted to serve in a particular regiment. Lord Clyde told the men that the question should be referred home, and they accordingly waited for eight months, when, the only answer being the opinion of the law officers of the Crown that they were bound to serve, the men said they would not serve, that they had the opinion of a Prime Minister in their favour, and the Commander-in-Chief had recommended their claims to be considered. It must, therefore, not be said that those men were ready to act

as the Sepoys had acted, and, after all, only 10,000 out of 31,000 had accepted their discharge, and of these no less than 2,000 had been re-enlisted since arriving in England. If then they were mutinous before, why were they wearing the British uniform now?

By following the course proposed we should not be following the policy which Lord Macaulay had recommended when he said that a hostile monarch might offer mountains of gold to induce the Natives to desert the Company's service, while the Company only promised a moderate remuneration; but the Sepoys knew well that as long as they lived their bread and salt were insured to them. If, however, they saw their fellow-soldiers treated with so little consideration, when the guarantees that had been given to them were violated, it would tend greatly to shake the confidence of the Natives in the promises of the Indian Government. The peculiar object of his (Sir James Fergusson's) Motion was to urge that there was no plan before the House. It was proposed to subvert a system that had been successful without proposing any definite plan as a substitute. There had been four plans laid upon the table of the House, and he wished to know which was to be adopted. He believed the right hon. Gentleman had not only anticipated the action of Parliament by directing the suspension of recruiting for the Indian army, but he had also, as was understood, gone so far as to name the Commission which was to sit upon the question. That was treating Parliament with as little consideration as the Council. The truth was that Government had no plan; and, although they had asked in all quarters for one, they had not succeeded in obtaining one. In truth the proposed scheme was only the result of a desire on the part of somebody to put the whole army under one head. All the greatest authorities were opposed to the change—Sir Bartle Frere, Mr. Willoughby, Sir James Outram, Sir John Lawrence, and Earl Canning. Sir Bartle Frere said:—

"That the army of India was composed of men and officers who look to India as the ordinary field of service for the whole of their working life, who expect their ordinary reward of promotion in India, and who look to the favour of no other authority than that of Her Majesty's Government in India for any remuneration or distinction other than Indian service may entitle them to."

Sir James Outram said:—

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"To cite the recent partial breaking up of the late East India Company's European troops as an argument against the maintenance of a European local force in India appears to me illogical, ungenerous—I had almost said disingenuous."

Sir Hugh Rose said:—

"Nobody has mixed with Indian officers more than I have; I know the state of their feeling. They admit to me that the disorganization and indiscipline of the Bengal army, and, in a lesser degree, of the Indian army in general, were the causes of the mutinies. They admit, especially since the mutinous conduct of the European Indian army in the discharge question, that amalgamation is necessary for the better discipline of an Indian army."

Sir John Lawrence said:—

"One of the most distinguished officers of the Royal army, whose letters are brought forward against the local officers, states that he is well aware that to the indiscipline of the Bengal army we owe in major degree the late mutiny. That officer had never, at the time he wrote, served with or commanded these troops; he knew nothing of them before the mutiny; he could only, therefore, speak from hearsay. I can affirm, in all humility, that the conclusions he has formed are erroneous."

Sir Patrick Grant's opinion was:—

"Existing rights and privileges have been solemnly guaranteed by Parliament, and the pledge must be faithfully kept in every particular. If this be admitted, . . . it follows that the present establishments of the several grades of commissioned officers must be maintained without reduction as they now stand. . . . All funds of the Indian armies should be taken over by the State. I know not how it may be in Bengal and Bombay, but the Madras Military Fund has a capital of nearly one million sterling."

Mr. Willoughby was of opinion—

"That no plan or scheme has yet been devised by which amalgamation can be effected without a violation of the Parliamentary guarantees made to the Indian army in Clauses 56 and 58 of the Government of India Bill of 1858."

The last opinion he would quote was that of Earl Canning, who said he adhered to the opinion that the interests of India required an army devoted to India. The opinions of such men were entitled to weight, for they were men who had been exposed to the severest ordeal that ever men underwent in India, and to whose exertions it was chiefly due that Her Majesty was still Queen of India. It was to be hoped the House would attend to the solemn warnings of such men before it committed itself to a scheme of whose details it knew nothing, for if it adopted this scheme of the Government, which contained no plan, then

the House would be responsible for evils which would produce bitter fruits.

MR. T. BARING seconded the Motion.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, it is inexpedient to proceed further with legislation respecting the European Troops in India, until the whole plan of the Government for the regulation of the Military Force of that country shall have been submitted to the consideration of Parliament.'"

—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 88; Noes 50: Majority 38.

Question again proposed, "That Mr. Speaker do now leave the Chair."

SIR JAMES ELPHINSTONE said, he would move that the House should adjourn. He had attempted to address the House just previous to the division, not for the purpose of occupying unnecessarily their time, but to make a brief explanation of a statement he had uttered on a former occasion which seemed to have been misunderstood. At the same time he wished to express an opinion upon what had fallen from his hon. and gallant Friend near him. The explanation of what he had stated on a former occasion was simply this:—He had mentioned the fact of his having been on board a ship on one occasion with twenty-two officers, twenty of whom he was reported to have said could not write their own names. Now, he was one who never felt it was necessary to question a report of what he said in that House, because he felt that they were all much indebted to the reporters in the gallery for not only rendering their speeches with great accuracy, but also for materially improving the language in which they were couched. But what he intended to have said on the occasion in question was, that the officers to whom he alluded could hardly write their own names, which was literally the case, as many of them were very illiterate. His argument was, that in former days the substitutes which gentlemen paid very large sums of money to obtain were, generally speaking, persons who proved no great ornaments to the service. The position of things at present was, however, very different; but still he held that a man going out to India at a certain age, after he had become accustomed to society this country, was not a man who was

likely to identify himself with the Natives of India. He regretted, from the apparent haste with which this question had been put, that many hon. Gentlemen who intended to take part in the debate were precluded from doing so. The hon. Member for Carrickfergus (Mr. Torrens), for example, whose experience of India was probably as great as that of any man in that House, and who was a gentleman that seldom obtruded his opinions upon the House, was desirous of speaking upon the subject. The matter, however, appeared now to be at an end, and so far it was difficult further to oppose the Bill with its one only clause. He must, however, say that the course taken by the Government in respect to it was a most dangerous one. He was most unwilling to detain hon. Members, or to obstruct the progress of the Government measures; but, nevertheless, it was his conscientious opinion that the introduction of the measure was most improper and unjustifiable, in the absence of that information which the House had a right to demand, and at so late a period of the Session, when it was most difficult, if not impossible, to give it that deliberation which its gravity and importance required. When Indian measures were brought forward under such circumstances, he should always, to the best of his ability, as long as he had a seat in that House, endeavour to prevent their passing into a law.

COLONEL KNOX seconded the Motion.

Motion made, and Question proposed,—
"That this House do now adjourn."

SIR EDWARD COLEBROOKE said, he had intended, before the question was put, to address the House, but after the able speech of the hon. Member for Ayrshire (Sir James Fergusson), to which the Government had not ventured to reply, he would not do so. The silence of the Government would have more effect on the country than anything else that could have been done. The opponents of the Bill would join cordially against it in its future stages, and he trusted that by pursuing this course, and urging their opinions firmly and respectfully on the House, the Government would not have much to boast of in future divisions.

SIR HENRY WILLOUGHBY said, he was anxious to express his objections to the principle of the measure before the Speaker left the chair. He did not know whether the Motion for the Adjournment of the House was intended as a substan-

tive Motion or not. At all events, he did not speak upon the question for the sake of delay, but with the single object of stating the strong opinion he had that the House should not go into Committee upon the Bill without the fullest information being laid before them. It was a Bill that settled nothing, but unsettled a great deal, and it left that House and the country entirely in the dark as to the great question of the military government of India. There never was a more important question submitted to Parliament or one in which the House had been taken more by surprise. The right hon. Baronet the Secretary for India made a great mistake when he evaded the whole principle of the measure of 1858 by refusing to take the opinion of his Council upon this proposition, for the Council was not a co-ordinate but a consultative authority. Certainly the Secretary of State for India was at liberty to set at nought the opinions of his council; but if he did, certain forms were then to be pursued. In this case, however, he had not consulted them at all. It was said, that unless the Secretary of State could do this, he would have less power than had the President of the Board of Control previously to the Act of 1858. But could the President of the Board of Control have proposed to destroy the whole Indian army without consulting the Court of Directors? Certainly not. He could not understand why the Secretary of State did not allow his colleagues in the Council of India to report their opinions. If upon high principles of State policy he considered it to be his duty to act in opposition to their opinions, he could still have done so, and stated his reasons. The Government had taken a division on the principle of the Bill at a time when the House had not adequate information before it, and a dozen hon. Members had told him that if they had known as much as they knew now they would not have voted for the second reading. That was not a fair position in which to put the House. Again, Parliament had pledged its faith to protect the prospects of the officers and men of the Indian local army. Was it right, then, that a Bill should be brought in which destroyed the present system of recruiting, but said not a word about the prospects of the army? It was for the House of Commons and not for the Government to determine how good faith was to be kept towards these men. The noble Lord the Member for the City of

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London had led the House to suppose that the Indian local army did not exist. But there were at this moment 17,000 men in that army, including those on their way there, and those actually in India. There were 5,000 officers connected with that army, and how were their claims to be treated? Those of the men, too, who were now in the Queen's service, had been promised that, at the end of their term they might renew their engagement. That promise was checkmated by the Bill, and it really seemed as if the Government were preparing for another strike? During the rule of the East India Company jealousy in some quarters had prevented the increase of European forces which they had demanded after each successive extension of their territory. So late as 1857 the Marquess of Dalhousie prayed for an increase of European troops in vain. The old jealousy against the Company had been allowed to show itself again in this Bill. The whole army of India must be the Queen's army. That was clear, for it could be nothing else. The sole question, however, was whether it was not desirable that a certain portion should be localized in India, having been trained for service in that country. He maintained that, so far as the opinions of great and able men had been collected, the arguments were ten to one in favour of a certain proportion of the Queen's army being localized. If Parliament declared that there should be 80,000 troops of the Line in India, and 20,000 recruits for that army in England, it would at a stroke double the military force of this country. That appeared to raise a serious constitutional question on which the House of Commons ought to be taken into the councils of the Government. It must be remembered that these 80,000 men must be paid out of Indian revenue, and would never be paid by the Votes of that House. They would, moreover, be trained up in a despotic country. Was it not advisable, even in a constitutional point of view, that a certain portion should be localized in India to support the authority of the Governor General and uphold the fabric of our Indian Empire? Did any one know, when the Bill came into operation, to what extent the Commander-in-Chief in England would command the army in India? Had any hon. Member a distinct view of the authority of the Commander-in-Chief over the army in England? The effect left upon his mind after perusing the Report of the Committee on Military Organization

was anything but clear. All the power seemed to be placed in one hand, and all the responsibility in another. In 1857-8 between 600 and 700 first commissions were given away by the Commander-in-Chief, the money value of which amounted to £380,000. The Commander-in-Chief, who was wholly irresponsible, gave away all this unexampled mass of patronage, while the responsibility rested with the innocent Gentleman who filled the office of Secretary of State for War, who had a list handed to him which he accepted. Was the House prepared, by the stroke of a pen, to double the patronage already enjoyed by the Commander-in-Chief? Was that a wise, prudent, or just course? Again, if there had been any deficiency of discipline in the local army of India it was the fault of the system rather than of the men. Under a better system there was nothing to prevent twenty-five regiments localized in India from becoming as effective as the Queen's army. If anything went wrong with a local force the House could get at the Secretary of State for India at once, instead of having to go through the Horse Guards. It was most important in legislating for India not to make more changes than they could help. He firmly believed that the Government were shaking our Indian Empire to its centre by trying too many changes. He denied that the mutiny afforded any sufficient ground for the Bill. The dissatisfaction among the men was very much aggravated by the debates in Parliament, and it was a singular thing that a number of the privates founded their complaints upon a *dictum* of the noble Lord now at the head of the Government. It was clear that such a mutiny could not occur again; and he might remind the House that there had been mutinies in regiments of the Line in India, and that such regiments had been disarmed by Native troops. All these, however, were exceptions, and the House was too wise to found a system upon such isolated cases. It was absolutely necessary that the authority of the Governor General in India should be supported, and he therefore deeply regretted that the Secretary of State for India had laid upon the table a despatch addressed by Lord Clyde, on the 11th of May, 1859, to the Commander-in-Chief in England, in which that noble Lord said that all the Indian officers were discontented. Would it be possible to govern India if the Commander-in-Chief there was allowed, in a despatch, addressed, not to

a responsible Minister, but to the Commander-in-Chief in this country, to make disparaging remarks with regard to a large number of officers who were employed in situations of responsibility under the Governor General? Such a course was calculated to produce the utmost mischief; it was in direct contradiction to the opinion of the ablest Indian administrators—Lord Cornwallis among the number—that all despatches from officers in India ought to come to this country through the Governor General, and that all despatches from this country ought to be sent out through the same channel; and he, therefore, entreated the House to take care what they were about, and to provide that the authority of the Governor General should be well supported. They should take care lest they introduce throughout the whole of India a spirit of distrust amongst men of whom it was impossible to speak too highly; for he did not believe that a more able body of men, civil and military, ever existed than those which upheld the power of this country in India. If it were the policy of the Government to back up the Governor General in India they could not take a more effective mode of doing it than by allowing a portion of the army to be localized in India, to be trained for that purpose, and to be officered for that purpose by men inclined to make India their home. He did not want to press the argument too far, and, if 40,000 men were thought to be too many, let twenty-five regiments of the Line be localized and placed under precisely the same discipline as that which had acted so well in the British army.

In the next place he must ask the House to consider what would be the cost of maintaining in India an army of 100,000 men—all troops of the Line. There were many ways in which we might lose our empire in India, but that which was most likely to make it not worth having was the adoption of novel schemes of taxation. There was an erroneous impression abroad that India was a very wealthy country; but within four years its debt had increased £37,000,000, and the army expenditure had risen from £8,000,000 to £20,000,000. The difference in the cost of a partially localized army and of one consisting entirely of troops of the Line was most material. In one year we had paid £2,180,000 for the transport of troops to India; officers of the Line cost £388,000; the officers of a single regiment cost £11,000; the trans-

port of a whole regiment, £46,000. If we had an army of 80,000 men in India we should have to keep 20,000 at sea. Between £700,000 and £800,000 had been spent in sending the wives and children of soldiers to India. With a localized force they would escape all those expenses. The men were young and unmarried. They were all about the same age, and did not require carrying backwards and forwards. That was not a matter which was entirely without interest for English constituencies. The House might depend upon it that sooner or later we should have a Bill, and a very long one. What happened when an officer of the Line was removed? He could quote two cases which occurred within seven months, in which two subalterns cost the country £430 passage money. One Gentleman's name was very appropriate, he was called Lieutenant Costly, and when he was removed from the battalion home the country paid £120. He was succeeded by an ensign who cost £95. Lieutenant Bowyer of the same regiment was moved, and up jumped Lieutenant Costly again and cost another £120. This was not an isolated case. In the course of the same year the country paid for sixty-five passages. Mr. Wilson, who lately went out to India, was much struck by the attention paid to the Natives by the officers of the local army, and contrasted it with the rude and offhand manner of some of the officers belonging to regiments of the Line. Was not that a reason for hesitating before making the change proposed by the Government?

Further he believed that localized regiments stood the action of the sun much better than regiments fresh from England. The 78th Regiment in a few months lost nearly the whole of its men, and great mortality had occurred in some other corps. Upon the whole, looking at the question in a constitutional and an economical point of view, and as affecting the welfare of the Natives of India, and the permanence of our dominion in that country, he thought the House would do wisely to reject the present Bill. No one had ventured to grapple with the question how we were to amalgamate an army in which the system of purchase prevailed with an army where promotion was by seniority, and where provident funds existed to the amount of £4,000,000. The House might depend upon it that if it sanctioned the proposed change it would be forced to dip its hands very deeply into the national treasury, for

the finance of India would speedily become part and parcel of the finance of the empire.

VISCOUNT PALMERSTON: I rise, Sir, to speak to the question before the House. The hon. Baronet the Member for Portsmouth (Sir James Elphinstone) has moved the Adjournment of the House, but the hon. Baronet the Member for Evesham (Sir Henry Willoughby) has not said a word upon that subject. He has been speaking upon a question which an endeavour is made to preclude us from discussing. My hon. Friend the Member for Lanarkshire (Sir Edward Colebrooke) has said he would leave the country to judge between the proceedings of the Government and the proceedings of those who are endeavouring to oppose the present Bill. I put it upon the ground stated by the hon. Baronet the Member for Portsmouth. He has boldly and frankly avowed that he joins in these attempts at delay for the purpose of stopping the progress of the Bill. I say that strikes at the root of constitutional institutions. If there is one principle more than another upon which constitutional institutions are founded, it is the principle that after full discussion, after every opportunity given to individuals to express their opinions, the majority ought to prevail over the minority. If the decision of the majority is not allowed to prevail, there is an end of constitutional institutions. In countries where the people are not accustomed to work such institutions, the minority have recourse to open violence. We are now witnessing proceedings similar in principle, though carried out in a different way, because here the minority, conscious, as I must assume them to be, that their arguments will not avail to overthrow the conclusion of the majority, are resorting to every device which the forms of the House enable them to take advantage of, for the purpose of defeating by delay a measure which they are unable to induce the House to reject by reason. Upon that proceeding, boldly, manfully, and frankly avowed by the hon. Baronet the Member for Portsmouth, I leave the country to decide; but, I venture to say, it is impossible for Parliament to work out its constitutional functions if that system is to be pursued upon every occasion on which a minority may feel itself unable to effect its object by argument. We will not submit to be coerced in that manner. We will go on as long as health and strength enable the majority to contend against what I must call the fac-

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tious proceedings of the minority. I trust, however, that the hon. Baronet the Member for Portsmouth will not put us to a trial of that sort, but will have the goodness to withdraw his Motion for Adjourning the House, in order that we may really enter into the merits of the question and discuss it according to the ordinary rules of the House. According to the strict rules of the House hon. Members ought to speak to the question. The question now before us is, shall the House adjourn? I think those who are inclined to speak upon it should give reasons why the House should adjourn, and not reasons why the Bill should be rejected. But I really hope that the hon. Baronet the Member for Portsmouth, whose fairness and generosity in debate everybody must acknowledge, and who argues his points with great ability and knowledge, will feel that it would be more conducive to the progress of business, and more consistent with the character of Parliamentary proceedings, that he should allow us fairly to discuss the Bill itself.

SIR JAMES ELPHINSTONE said, he did not wish to make any unconstitutional opposition to the discussion on this Bill; but he must say that from the delay which had taken place in the production of the papers and the manner in which the question had been brought before the House, they had not been able properly to discuss the measure itself. He begged, however, to withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. SPEAKER: I wish to take the liberty of saying upon this question of adjournment that I think the hon. Member for Portsmouth would not have moved the adjournment of the House if he had been aware that there stood immediately in order a Motion which would have given him an opportunity, in the due course of Parliamentary proceedings, of rising to express an opinion, because the question that I now leave the Chair is the question before the House.

SIR JAMES ELPHINSTONE said, he had moved the adjournment of the House, as stated by the right hon. Gentleman in the Chair, in consequence of a misapprehension as to the forms of the House, and not from any disrespect to the Government.

MR. MALINS said, the description given by the noble Lord of those who voted against the Committee, of "a body of Gentlemen who were desirous of obstructing the measure by the power of the mi-

nority," did not apply to him (Mr. Malins), for on the second reading he voted with the Government; and although he regretted to say that he had since felt obliged to vote against them, he thought what he had stated would be sufficient to clear him from the imputation of voting from factious and party motives. There were some points in the question before the House which he regarded as of great importance; and although Indian subjects required for their elucidation much knowledge and research, still the principle on which this Bill was introduced to the House appeared to him to involve such high considerations that he was desirous of submitting some of them to the attention of the House. Although he took no part in the debate of 1858 he most sedulously attended that debate, and he retained a most lively recollection of the principles then propounded to the House in the discussion on the Bill, and he thought every one would remember that it was assumed by the House that no Minister of the Crown, as a mere Minister of the Crown, was to have the entire Government of India; but that as the Government of India had been partly in the East India Company and partly in the Crown, and great evils had arisen from a divided Government, there was presented as a substitute a united body, a Council for the Government of India presided over by a Secretary of State. They were told that as the directors of the East India Company consisted of men who, for the most part, had spent a large portion of their lives in India, so it was provided in the new Government that the majority of the Council should be men who had passed at least ten years in India. The 19th section provided that the Council should, under the direction of the Secretary of State, conduct the business transacted in the United Kingdom in relation to the Government of India. The 23rd section provided that questions submitted to the Council should be decided by a majority of votes, and the 25th section provided that if a majority of the Council recorded their opinion against any Act, the Secretary of State should record his reasons for acting in opposition thereto. According to the intention of Parliament in 1858, which was to be collected from the debates and from the Act itself, it was distinctly understood that the Government of India was not to be in the Indian Minister only, but in the Indian Minister with the aid of the Council. It could never have been supposed that the Secretary of State

would submit a measure to Parliament without having first submitted it to the consideration of the Council. This was probably the greatest question which could occupy their attention, but it was one upon which men who were engaged in the ordinary avocations of English life could not form an opinion themselves. They must depend very much upon the opinion of those who had been in India, and now it appeared that, although the Indian Council had not been consulted, or required to give their opinion, they felt it to be a solemn duty unanimously to protest against the measure of the Government. The Secretary of State avowed that he had never consulted the Council upon it, except in private conversation, and they were bound to believe that if he had formally proposed to them a Resolution embodying this plan, and heard the reasons which they would have assigned against it, the right hon. Baronet would have been induced to refrain from making his proposal to Parliament. He asked the House whether they were prepared to give the go-by to the Council altogether, because if measures were to be proposed, not only without their being consulted, but in direct opposition to their opinions, what was the utility of the Council? It could not be said that this was not a question of the Government of India within the meaning of the 10th section. India was governed by civil and military servants. It was proposed to make a total change in the Government by the military servants. It was admitted that a greater change could not be proposed. The Act said that such questions should be considered by the Council first and then by Parliament, but Parliament was asked to decide, and the Council were never consulted. In order to carry out an opinion of his own, the right hon. Baronet the Secretary of State for India had not only passed over the opinions of the Council specially appointed to advise him, but had placed himself in opposition to the views of the great majority of those who were experienced in Indian affairs. He had been surprised to hear it said in the course of the debate that it was dangerous to rely on the opinion of men of experience, because they were always so prejudiced. He believed that where prejudices did exist in the minds of such men they were generally in the right direction. In the business of ordinary life great weight was always attached to the views of men of experience. In 1858 every one allowed that it would be unsafe to intrust the ad-

ministration of India to inexperienced persons; and the Council was specially established to supply that experience in which the Ministry of the day might be deficient. Why, then, was the Council not consulted on this most important question? He believed that the disregard with which it had been treated amounted practically to its abolition. Under the old system such a measure as this would never have been introduced until the Directors of the East India Company had been consulted on the subject, and practically their concurrence in it would also have been required. The Council was substituted for the Board of Directors, as a check on the inexperience of the Secretary of State; and, in his opinion, the law required that it should be consulted on such a subject as this. The right hon. Member for Stroud (Mr. Horsman) had argued from the 25th section of the Act, that in all cases where the Secretary of State differed from his Council he was bound to record his reasons of dissent from them. The right hon. the Indian Secretary contended, on the other hand, that this only applied to acts of correspondence with India. He (Mr. Malins) had looked carefully to the Act of Parliament, and he was bound to say he believed the right hon. Member for Stroud was right; and that in not having submitted this measure to the Council, in not having recorded his reasons for not deferring to their opinion, the right hon. Gentleman had violated the provisions of the Act.

LORD CLAUD HAMILTON said, that he wished to explain the position in which he and, he believed, many other Members, stood with respect to this important subject. He had taken much of this Bill on trust, after the eloquent speech of the right hon. Baronet in introducing it, and after the frank avowals he had made in that speech. Since that time, however, papers of great importance had been produced which ought certainly to have been on the table of the House before the introduction of the measure. He had felt it his duty to read them, and he confessed he had been filled with dismay when he saw the gravity of the consequences which might arise out of passing a hasty measure upon this subject. When, therefore, the noble Lord charged the opponents of the Bill with throwing obstacles in the way, he must say that he thought that the way in which the noble Lord had introduced the measure, withholding all the documents which were absolutely essential to its proper considera-

tion, struck a blow at the root of all free Parliamentary discussion. Those Gentlemen who had had an opportunity of thoroughly investigating the question had all dissented from hasty legislation on this subject, and when he consulted the opinions of those who had been long in India he became more and more convinced of the danger they were about to incur. The preamble of the Bill set out that the existence of a local force any longer was inexpedient. Surely the House would not commit itself to that opinion without hearing a sketch at least of what the Government proposed to do. Hitherto no information as to the arrangements intended for the future had been afforded. The noble Lord might charge the opponents of the Bill with taking unfair advantage of the forms of the House to delay the measure; but any one who had watched the proceedings of the House, and was cognizant of its usages, would be aware that there never had been a measure of similar importance introduced under similar circumstances to the House. There was especial reason for caution and inquiry, as this was the first important measure originated under the new system of Indian Government. A question of legality was involved. The Chief Secretary has entirely set aside the Indian Council, and is acting in direct opposition to their authority and advice. This Council was formed of men selected from their known talents and experience in Indian affairs. This Council, so formed, was unanimous in opposing the scheme proposed. Is the House prepared to sanction this arbitrary extinction of the Council created by itself, and to allow the Chief Secretary to act in defiance of its recorded opinion? Why was it that Mr. Willoughby's and other important Minutes had been withheld from the House? Why was it that the Report of the Finance and Military Committee was kept back even from the Council? Why were not the memoranda of Mr. Hamilton produced? All the highest authorities in India had spoken against the proposed change, and he must invite the Government again and again to give fuller explanations and information on this Bill before asking that it should be proceeded with further. It was almost impossible to assent to the measure until the Government could give them satisfactory information, and he hoped the House of Commons would persist in demanding it as a constitutional question.

COLONEL SYKES said, he quite agreed with the noble Lord that the minority were bound to obey the majority; but that was on the supposition that the arguments of the minority had been heard and were duly considered by the majority. Upon the late occasion, when there was a division of five to one in favour of the present Bill, he sat in the House for five hours listening to the arguments of the opponents of the Bill—arguments founded on documents on the table of the House and on their own knowledge and experience—and during those five hours there were at times only twenty-three Members present, and never more than thirty-eight. For five hours the discussion of this momentous question was listened to by a number of Members insufficient to constitute a House, but at midnight, when the division bell rang, the House was filled with Members, whipped in, who voted without having heard a word of the arguments which had been used. The noble Lord said the country would judge the conduct of the resisting minority; and he (Colonel Sykes) was quite content to leave it to the country to decide which party had acted unconstitutionally; the minority which voted from its knowledge and convictions, or the majority which voted in ignorance. With regard to the proposed amalgamation, he would ask the right hon. Gentleman (Sir C. Wood) the important question whether he intended to adhere to the 56th Clause of the Act of 1858, which guaranteed to the Indian army the rights and privileges which it now enjoyed. The officers composing the army numbered, not 2,000, as had been stated, but 4,980; and if faith were to be kept with them they would be entitled to promotion by seniority, to Indian pay and allowances, to their pensions upon certain fixed and acknowledged conditions, while they had at the same time their widows' funds and their military and orphan funds. Suppose the Bengal Fusiliers, which was formed in 1757, and fought at the battle of Plassey, and in fifty battles since, became the 101st regiment in the Queen's service, it would enjoy privileges which the 100th Regiment of the Line did not possess. It could not be sent to the Colonies or to Europe; it could not be sent out of India unless with its privileges; and therefore it must practically be a local regiment. The proposed amalgamation, therefore, was impracticable, provided faith were kept with the Indian army. He would ask who had called for this amalgamation?

Last year the right hon. Gentleman (Sir C. Wood) passed a Bill increasing the local European force in India from 20,000 to 30,000 men, and now, eleven months after, he asks the House to subvert that arrangement, and exactly reverse what had been done by repealing the Act of last August. To use a vulgar phrase, he had turned his back upon himself, and "jumped Jim Crow." Why he had changed his mind the hon. Baronet had not informed the House, but the papers that had been presented to the House threw some light upon the subject. The change was first asked for by the head of the army at home, and the request was negatived by the then Secretary of State (Lord Stanley). And it was now found that the late Commander-in-Chief in India also advocated the new system. It was painful to speak in any terms but those of eulogy of the distinguished officer whose military successes had been so great in India; but what would be said when it was found that one of his arguments for abolishing the rights and privileges of the Indian officers was that they were not competent to command a division of the army, because they had not received the education of a soldier in one of Her Majesty's regiments? During his military life he had always found that a martinet, of all men on earth, had the narrowest views; that he was a man of pipeclay and stiff stocks and parades, and had not the general resources and knowledge of strategy which enabled an officer to command in the field. Lord Clyde, however, seemed to be of a contrary opinion. But in reply to his argument that a training in British regiments of the Line was indispensable, and that the maintenance of the British power in India was dependent on the prowess of the troops of the Line and on the Generals of the same service, Earl Canning said:—

"The claims of the officers of Her Majesty's Indian forces are undeniable, founded, as they are, on distinguished service rendered in the course of a long period of years, during which one commander after another has arisen from among these forces, in whom the highest qualities of general officers have been conspicuously exhibited; and not those officers only, but many others of the local forces now holding high rank, and rising to rank, by promotions conferred on them as the due reward of their services, have taken their full share with officers of the Line in upholding in India the honour and dignity of Her Majesty's arms."

Lord Clyde had communicated his views on this subject to the authorities unknown to the Indian army; and it was only from

the papers on the table so tardily given by the Government that they came to light; and he could well imagine, when known to Indian officers, the feeling of indignation which they would excite from one end of India to the other. Such views could only be ascribed to an ignorance of Indian history. A host of names rose up to disprove the assertion that Indian officers were unfit for command. Pearse, Malcolm, Munro, Ochterlony, Richards, Burrell, Lumley, Adams, Nott, Pollock; Outram, the Bayard of the East, who was never drilled in a Line regiment, but was adjutant of a Sepoy corps; Nicholson, Chamberlain, Archdale Wilson of Delhi, Napier, Vivian, Story, Roberts, Whitlock, John Jacob, Roberts, Stewart, who lately commanded in Rajpootana,—all these officers had commanded in the field, with none of the mishaps and disasters which had befallen some of the Queen's officers in India. There were other names which he might mention, such as Sir Henry Lawrence, equally celebrated as a soldier and a statesman, and Sir Hugh Rose, a Royal officer, who had gone direct to India, showing that it was not necessary for every officer to have been drilled in a regiment of the Line to make a general. A good deal was said in the papers before the House about the indiscipline of the Indian army; but what did Lord Clyde say? That gallant general, in his farewell address, said, "he took that opportunity of thanking the officers and soldiers of the two services for their valour and endurance;" and went on to add, that it was not to that valour and endurance alone that success was attributable, but to their "discipline, the foundation of all military virtues." Which assertion would the House adopt—that which was privately suggested on the papers now before the House as the groundwork of the Bill, the indiscipline of the Indian Army—or that which was promulgated in general orders by Lord Clyde?

He would only touch lightly at the present time upon the financial part of the question, but would point out generally the enormous additional expense that would be created by this measure. In 1857 there were in Bengal 22,907 European troops. Lord Clyde was asked by Lord Canning to give a programme of the number of troops in his opinion necessary for the future defence not of India, but of the territories under the Bengal Government. Reducing Lord Clyde's proposition to figures, he found that for the future defence of Ben-

gal alone, a total of 61,360 men would be required. As the cost of a European soldier was nearly five times that of a Native, and there would be three times as many European troops as there were before, the former expense would be tripled. The mere cost of passage backwards and forwards of the men would be an enormous item, besides the officers' passages. If the officers remained local, they would not be entitled to have their passages paid; but if transferred to the Queen's army, their passages home and out would have to be paid for them.

Another point was, that a local European force would be attended with a much smaller waste of human life. Out of 1,000 men more than 100 died within the first year after their arrival in India. In the next two years the mortality was rather less; and after the lapse of ten years it was calculated that a number corresponding to the number originally landed would have disappeared. But after the third year the mortality considerably diminished, the soldier finding that he must adapt his food, clothing, and habits to the character of the country. The effect of that was that he became like most old Indians—not very robust, perhaps, but less subject to inflammatory action, and capable of getting through a good deal of hard work. The advantage of having a body of troops thus acclimatized in India was obvious; and motives of humanity suggested the continuance of a local force instead of landing 6,000 or 8,000 fresh men for reliefs annually. Again, without some sympathy between the Native and the European, there could be no prospect of permanence for our power in India; and the chance of that sympathy and mutual forbearance was manifestly greater with a local European army, long in juxtaposition with the Natives, when antipathies have died away, than with constantly changing Queen's troops. It was this consideration which, more than any other, induced him to advocate the continuance of a local army in India. Another consideration was, that by increasing the Royal army by from 40,000 to 50,000 men for the Indian service, they would draw away from this country so much of the manly strength which it might greatly need not only for military purposes but for its industry. Moreover, the army of England was paid by that House, and would fall to pieces unless the Mutiny Act were annually passed. If, however, there were 100,000 Royal troops in India,

they would not be paid by that House, or be under its control, but would be maintained by a *quasi* independent authority. Can such an army be constitutionally maintained under the Crown. What happened two centuries ago might possibly happen again, however improbable it might be. The Reform Bill of 1832 was strongly opposed by a certain class of society; and if it had not ultimately passed, 70,000 men from Birmingham alone were ready to march upon London. In such circumstances it might be dangerous to liberty to have soldiers available not paid by the House of Commons. In conclusion, he maintained that in proportion as the control of the Indian army was handed over to the Secretary of State for War and the Commander-in-Chief, would the authority, the lustre, and the usefulness, both of the Secretary of State for India and of Her Majesty's Viceroy, be diminished.

MR. VANSITTART said, that having spoken on the second reading of this Bill, he could assure the House that he rose now with the greatest reluctance to claim their indulgence again for a few minutes, and it was for this reason that he did so:—It appeared to him that hon. Members who were in favour of maintaining the old system—that of a local European army—had treated those who urged the necessity of an amalgamation rather unfairly. They accused their opponents of attaching exaggerated importance to the insubordinate spirit evinced by the local force. For his part, he must deny that allegation; and, on the contrary, say that in forming his opinion on this question he had been aware for many years past of the fact that under the present *régime* a vast proportion of the officers of the locals were always absent from their regiments in civil, political, or staff employ, and that the best non-commissioned officers were constantly and rapidly removed to be made conductors of ordnance, superintendents of roads, barracks, and other buildings, sergeant-majors and quartermaster-sergeants of Native regiments, and to many other appointments which greatly improved their circumstances, and that these appointments and emoluments were exclusively enjoyed by them, and as rigidly denied to the officers of the Line or Royal army. In support of this opinion he would quote Sir Edward Lugard—confessedly a very high authority. Sir Edward said, “The officers of the Indian local army retain all the advantages which they enjoyed before the transfer from the East India Company to the Crown, and

which they expected to receive when they entered the service;" and he represented the case of two retired captains, after twenty-eight years' service, thus:—"The Indian officer, £365 a year; the English officer, £127 a year." By the amalgamation they would sweep away this vicious system of keeping rewards, rank, and honours for one set of officers to the prejudice of the other; and in its place they proposed to substitute a contented and highly disciplined force, which would be cheered on in the performance of their duties by the pleasing prospect of revisiting their native land at the expiration of the allotted period of service, and animated by one spirit, one feeling, and one interest—namely, a deep-rooted devotion to the cause of their Sovereign and their country. He declared that in his conscience he believed that the evil considered by so many hon. Gentlemen likely to result from the extinction of the local European force to be greatly exaggerated, and that all they had to do was, what he had already stated and repeated again, to ascertain in the first instance the precise number of Europeans necessary to be employed for the security and defence of India, and to let that number be accepted and ratified by an Act of Parliament, and they would have to all intents and purposes a local army. He would not be tempted to follow hon. Members into drawing a contrast between the local and the Royal officers. Such a contrast would not only be invidious, but he maintained that an Englishman was an Englishman all over, and in 99 cases out of 100 would do his duty faithfully and loyally to his Queen and country. The hon. Members for Perth, and Pontefract, and Aberdeen, however, showed a little forgetfulness of the history of British India, in speaking of the Cabul disaster; for, although General Elphinstone was a Queen's officer, yet, on his evacuating Cabul, it should be remembered that those two heroic Queen's officers, Generals Sale and Dennie, retained possession of Jellalabad for several months with Her Majesty's 13th Regiment, and during the siege sallied forth and encountered 10,000 Afghans under the command of Akbar Khan, Dost Mahomed's son, and completely routed them, capturing all their guns, camp equipage, &c., and made the reoccupation of Afghanistan, comparatively speaking, an easy affair for Generals Nott and Pollock. Again, reverting to more recent days, no one could dispute the

Mr. Vansittart

fact that India was reconquered by Royal troops. When General Havelock left Allahabad on the 7th of July, 1857, to encounter that devil incarnate Nana Sahib of Cawnpore, and to relieve Lucknow, his force of 1,800 men was composed almost entirely of Her Majesty's 64th, 84th, 78th Highlanders, and Maude's Royal Artillery. Lucknow, as all the world knew, was defended by Her Majesty's 32nd Regiment. Then, with regard to Delhi, he found Her Majesty's 8th, 52nd, 60th Rifles, 61st, 75th, and the 9th Lancers, and the 6th Dragoon Guards, taking a prominent part in that celebrated siege, and that the non-commissioned officers and men of those two cavalry regiments actually volunteered their services to work the batteries. To draw a comparison between the two services was invidious, and, therefore, in conclusion, he would merely say that his opinion of the necessity of this amalgamation had undergone no change from the speeches he had heard, nor from a perusal of those prosy and weary Minutes drawn up by the Members of the Indian Council, which was chiefly composed of respectable elderly civilians, who were wedded to the old system, and who were incapable of entering into the real merits of the case, and that he considered this measure to be the one sole redeeming feature of this Session—a Session that would be for ever memorable for the remarkable manner in which its first five months were wasted in a most profligate and useless expenditure both of time and money, by the discussion of the disastrous financial schemes which the right hon. Gentleman the Chancellor of the Exchequer pressed forward with such erratic temerity, and by the equally unfortunate Reform Bill, introduced under the auspices of the noble Lord the Member for the City of London.

COLONEL DUNNE said, he wished to say a few words in vindication of his vote for delay. He had not voted against the amalgamation of the two armies. Almost all the officers he had met who had served in India thought amalgamation was necessary. He had offered no opposition to the Bill, which, of course, the Government must take on their own responsibility; but he thought, before asking the House to pass such a measure, the Government should have submitted some explanation of their plan, and the effect it would have, not only on the Indian army, but also on the British army, to which he had the

honour to belong. What was to be done with the mass of Indian officers? It was said a large Staff corps was to be formed in India that would absorb the greater number of Indian officers. Was that to be a separate army? How were the officers who had acted under different rules and regulations to be incorporated? That should be explained to the House. The Indian officers had rights which they were bound to consider, and the officers of the British army had also rights which they could not ignore. There was no jealousy between the two services, but how was it proposed to reconcile those rights? There were several other questions which ought to be answered. Was the European force to be determined by that House, and how were the Estimates voted for the two services to be apportioned between the nation and India? There had been a running account with India from 1855 downward. At this moment the expenses of the Persian war were still unsettled; even those for the first Chinese war and various other accounts were still unsettled. Were they to begin a new system before these accounts were closed? Even in a financial point of view the House had a right to know what amounts were to be charged to the Indian revenue, and what to the Imperial revenue. He repeated he did not mean to give any opposition to the Bill, but the Government were bound not to ask the opinion of the House on a system which they had not themselves matured and submitted for the consideration of Parliament. How was that amalgamation to be completed? What was to be done with transfers from the British army to the Indian service? It was said the Government had no plan, and that the matter would be referred to a Commission. Was that so? It was said that the Indian army had been annihilated; but although the Bengal army had been annihilated, the Returns still showed a Bombay army of 70,000 men, and a Madras army of 40,000. Were these forces to be converted into irregular corps, reducing the number of officers; and if so, how were the officers to be dealt with? He would also ask how the recruiting difficulty was to be got over. Then what was to be done with the pensioners? All these matters unexplained induced him to vote with the hon. Baronet for delay, thinking they were unfairly dealt with in being asked to approve a scheme which in reality was not before them.

SIR CHARLES WOOD: I should cer-

tainly be exceedingly unreasonable if I asked the approval of the House to a scheme which is not before it. I do not do so. What I did seek, and what I do seek, is, that the House should give its approval to this—that, for the reasons I formerly stated, the military efficiency of the army in India and the safety of our empire there would be insured by our having one homogeneous European army. That is the principle to which I seek the assent of the House. I have already made rather a long speech on the subject. I then stated the grounds on which I made that proposal as distinctly as I could. I stated, also, distinctly that I had pledged myself last year, before any step was taken on a matter of such vital importance, to take the opinion and ask the sanction of the House; and I think I was bound, in the first place, by the pledge I gave; and, secondly, by the importance of the subject, to take no practical step till I obtained the sanction of the House to the principle. I stated generally the outline of the plan I proposed, and I stated also that the Council of India represented to me that they were opposed to my views. They said very fairly, “We are not without hopes that your views will not be sanctioned by Parliament; but if they are sanctioned by Parliament, we shall be ready to perform our duty to the best of our power, and assist you in carrying out the wishes of Parliament.” That was highly creditable. Well, but could I call upon them fairly to discuss and arrange beforehand the details of the measure when they were not favourable to the plan itself? I do not doubt, however, that if Parliament decides that the plan of the Government shall be adopted, the Council of India will give me their ready and efficient aid in carrying out either such a plan as I have sketched out, or such other plan as I may be able, after consultation, to devise. The details which have been referred to, such as the retirement of Native officers, and the organization of the Indian army, are matters which have never been regulated by this House, but have always been settled either by the Government in India or by the Indian Government at home. They do not form a charge upon the revenue of this country; they have always been settled by the Government of India; and would not under ordinary circumstances be brought before Parliament. With regard also to the organization of the Native Indian army, that also has been a matter determined, not by this House, but by the Govern-

ment of India. We have had various Estimates as to the number of European troops necessary, under existing circumstances, to maintain our supremacy in India. The highest estimate is 95,000 European troops, and the lowest 79,000. I think that about 80,000 troops, in the opinion of the best authorities, ought, under the present circumstances, to be maintained in that country. I should hope that we may be able at a future time to reduce that number, but I think that at present the European troops in India ought not to be much less than 80,000. The recruiting will go on pretty much the same whether we have troops of the Line or local troops in India, the proportion being about 10 per cent in either case. With regard to another question, the allowance made by India to this country for dead weight, the Report of a Committee of English and Indian officers came to the conclusion that £60,000, which has been paid for many years by the Indian Exchequer, is a very inadequate payment for the dead weight of this country. In this opinion I agree. But, on the other hand, some expenses have been unfairly charged against the Indian Government, the balance, however, being against India under any circumstances. It must also be remembered that the dead weight of the English army is but a feather in regard to the dead weight of the Indian army in proportion to its numbers. One result of garrisoning India with troops of the Line will be a reduction of the charge for dead weight now paid for the Indian army. The heavy charges upon the finances of India for dead weight have been much greater than any charge that can accrue in this respect from the Line army. With regard to the position of officers of the Indian army, notice has been given by an hon. Member of a Motion on that subject, and I think it better to defer what I have to say upon that matter until it is fairly before the House. The hon. and learned Member for Wallingford has resuscitated the discussions of last Friday. All I will say is, that he has not altered the view I took of the meaning of the Act of 1858, which is also the meaning attached to it by the late Government, by whom the Act was framed. Reference has been made to a paper which, it has been said, hon. Members have not had an opportunity of seeing. In fact, that paper was printed long before the Bill was introduced to the House.

COLONEL PERCY HERBERT said, that

Sir Charles Wood

if hon. Members who spoke against the proposal of the Government had studied the blue-books, the Bill itself had certainly escaped their notice; for all the speeches against the Bill had been directed to something besides the provisions of the Bill. Did the Bill really provide for the destruction of the three great armies in the Presidencies of Bengal, Madras, and Bombay? On the contrary, it dealt with only a very small portion of those armies. Taking the Presidency of Bombay, it dealt with 3 regiments of European infantry, and left 29 regiments of Native infantry untouched. In Madras, again, there were 3 regiments of infantry affected, while there were 55 regiments of infantry and several regiments of cavalry untouched. The Bengal army was composed—including the Punjab, the Gwalior, and other forces—of 144 regiments. Many of them had disappeared, but a portion of the officers remained, and many of these regiments would be raised again. Not less than 70 or 90 regiments of infantry and cavalry would be retained for the Native army of Bengal. There would thus be 9 regiments of infantry affected by this Bill, and about 160 regiments of infantry, and 40 or 50 regiments of cavalry, &c., that would be in no sort of way affected by the Bill. Yet hon. Members had argued as if the whole army had been dealt with, and as if 5,000 European officers were affected by the measure. With regard to Artillery officers, which corps would naturally be amalgamated with the Royal Artillery, he must remind hon. Members that the patronage of first appointments was not with the Commander-in-Chief, but was thrown open to competition. It was said the patronage was to be transferred to the Horse Guards, but there was nothing in the Bill to do that, and the Government said the patronage would remain as now with the Indian Council or the Governor General. There were 9 regiments to be transferred to the Horse Guards, and it was on so small a foundation as that that the vaticinations of the hon. Member for Portsmouth were based, to the effect that the whole country would be deluged with corruption, and that the giving away of ensignies for those 9 regiments would upset the English Constitution. Now, that appeared to him to be a very great result to anticipate from the realization of so trifling a change.

He wished in the next place to refer to the observations which had fallen from the hon. and gallant Member for Aberdeen

(Colonel Sykes), whose observations tended to lead the House to suppose that the officers of the Royal army, and they alone, were in the habit of abusing and ill-treating the Native population of India. The fact, however, was that if the officers of the Royal army did offend in that way, it was only because they were too apt to follow the example which was set them by their brethren of the local army, who were constantly in private conversation heard to speak of the Natives as "niggers." The gallant Officer had also fallen into an error in stating that if the present Bill were passed into a law the Commander-in-Chief would be enabled to order home from India any regiment he might please, the fact being that, as in the case of the Colonies, he had no power to send out or order home a single regiment, the authority for doing so resting entirely with Her Majesty's Ministers. It was quite clear if that were so that the gallant Officer must be singularly unacquainted—entertaining the opinions to which he had given expression—with the mode in which the Government of the country was in such matters conducted. But the gallant Officer had gone further, and had spoken of the expenses of the passage of officers from India being thrown on the Indian revenue. He should, however, remind the House that no officer coming home, simply on his own application for the purpose of effecting an exchange, was entitled to receive one farthing of the public money to defray the expenses of his passage; nay, more, that every officer who came home on leave for his own private objects was bound to pay the expenses of the officer who was sent out as his relief.

Again, it had been stated by the hon. Member for Portsmouth (Sir James Elphinstone) that 8,000 men per annum would be required in the shape of draughts from this country to India; while he seemed to imagine that none of those men would die when they got out there, inasmuch as he calculated also that every year 8,000 men would come home from India, adding that the consequence would be that we should have at the same time 16,000 men at sea. By what process of reasoning the hon. Baronet arrived at that conclusion he was at a loss to understand, inasmuch as the troops left for India and came home at different seasons; but he was still more puzzled by the calculation, proceeding on which it was argued that we should constantly have 29,000 men at sea, in the event of its being found expedient to keep

up an European force of 80,000 men in India. The hon. Baronet had also contrasted what he seemed to regard as the luxurious habits of the officers of the Line with the homely style of living of the officers of the local army; but, for his own part, he had heard much of luxurious habits contracted in India, and when, in addition to the small income of lieutenants and ensigns in the Line, it was borne in mind that many of them had private allowances of not more than £100 a year, he did not think there was much danger of their corrupting, in an economic point of view, the minds of their brethren of the local force. With regard to the question of patronage, he could only say that the Commander-in-Chief here would have no more to do with the appointments to the irregular regiments or to the staff in India than with staff appointments in Algeria, while the real point at issue was whether we should maintain an army in India in a condition of the best instead of in one of inferior discipline; for in none of the Minutes of competent authorities which had been laid before the House was it contended that the discipline of the local was quite equal to that of the Royal troops. He could not, he might add, help regretting that Earl Canning should have been induced to speak so lightly on the subject of discipline as to say that it was a matter not of vital importance, because an army on whose discipline reliance could not be placed was in his opinion a most dangerous weapon. He did not, of course, in making these remarks, refer to that discipline which consisted in pipeclaying, holding up heads, and looking smart, as it was termed, on parade—for those were, to the eye of the experienced soldier, but the outward signs of that in which, in reality, true discipline consisted.

But, passing from that point, he wished briefly to refer to the statement of the hon. Baronet the Member for Evesham (Sir Henry Willoughby) to the effect that in the space of four years we had expended in excess of the revenues of India the sum of £37,000,000. Now, he should answer the hon. Baronet's question—how were we to go on spending money at that rate?—by asking whether there were no instances in the case of England and other European countries in which the national expenditure had outrun the national revenues as a consequence of some great struggle. Was there, he should like to know, any good reason why India could not pay her way

in ordinary times to be found in the circumstance that at a period of great difficulty a widespread mutiny had been put down at a cost which was not so vast when the work which had to be accomplished was taken into account? Now, the hon. Member for Pontefract (Mr. M. Milnes) had stated that he was opposed to the Bill under discussion, because he wished the Indian army to be subordinate to the Indian Government. In that wish he entirely concurred, but it was because he thought there was some danger of its not being otherwise realized that he supported the measure. Lord Clyde, in one of his despatches, said it was very fortunate the outbreak of the European troops happened at a time when their services could be dispensed with, otherwise the occurrence might have been very formidable, as the Government at an early period could have done nothing but yield to their demands. Having once given way on a question of money there was no doubt that the demands of the moment would form but the groundwork of similar attacks in future, and it was because he was anxious to strengthen the hands of the Governor General that he wished to see the local army amalgamated with the Queen's forces. Hon. Members who contended that the troops had not been guilty of mutiny, could, he thought, scarcely have read the enlistment oath; and he was at a loss to know in what mutiny consisted if men who barricaded themselves in barracks, seized the guns, and talked of joining the Sikhs and carrying on war against the Government, were acquitted of the charge. Those portions of the oath which did not answer the purpose of the European troops were ignored, and those only borne in mind which suited their convenience. But the first paragraph distinctly bound all who took the oath to obey Her Majesty, to be faithful to her service, and to comply with the orders of those officers who were placed over them by Her Majesty. In an additional paragraph fidelity was then sworn to the East India Company and to the officers whom that Company might place in command. Much stress had been laid on the argument that these men were entitled to receive a bounty on their transfer to the Queen's service, because soldiers, when transferred from one regiment to another, and into the Indian service, received a bounty. But in the attestation clause it was expressly declared that every man joining the Royal army was enlisted for service in a particular

regiment, and the contract therefore could not be broken without the authorities' consent. The bounty, therefore, was given principally to cover the expense of a change of uniform; in India, where the amount was somewhat greater, it operated as an inducement to serve. But the soldiers of the local army were to have remained in the corps in which they were bound to serve, their pay and allowances were continued, their pensions guaranteed, they were not called on to serve anywhere but in India, their rights and privileges were preserved, and he maintained that the spirit as well as the letter of their agreement had been fully and strictly kept. The Bill, instead of being a source of weakness, would, he was convinced, confer additional strength on the Indian administration by enabling it to rely on the European force. He should be the last person to diminish in any way the prestige, credit, or glory of that Administration, or to lessen the influence of the Governor General, for in no country in the world was it more essential that the power of the sword should be combined with the majesty of the sceptre.

MAJOR WINDSOR PARKER said, he held that the maintenance of discipline was impossible if justice were not rigidly dispensed towards the men; and it was only recently that the numerous irregularities and cases of injustice practised towards the gallant soldiers of the local European force in India had come to light. At the risk of even wearying the House he must read one extract which had not yet been brought under their notice.

"Regimental No. 160, Private John Jackson, considers himself aggrieved at being transferred from the service of the late Hon. East India Company to that of the Crown, and gives the following reason for claiming his discharge:—On the 27th of October, 1852, I was discharged from Her Majesty's service (74th Highlanders) on payment of £20; and on the 23rd of November of the same year I enlisted in the service of the Hon. East India Company with the view of bettering my condition, in the full belief that the service of the said Company and the service of the Crown were quite distinct, thus voluntarily forfeiting half the purchase money—namely, £10, of my discharge, and my service of eight months, to both of which I would be entitled by re-enlisting in Her Majesty's service. I now find myself in the service of the Crown, to get out of which I paid, as already stated, £20. I trust that what I have stated will be considered sufficient to establish the validity of my claim to be discharged from a service I did not re-enter."

Where injustice of such a serious character was practised the House, he was sure, would feel that the unfortunate men were

Colonel Percy Herbert

justified in laying their case respectfully before the authorities, as, with rare exceptions, they had done. In the earlier stages of the discontent General Beresford, who held a command at the southern side of India, invited his men, at an inspection, to put forward any complaints which they might have to make. This was a practice in accordance not only with military usage, but with the course pursued by magistrates in their periodical visits to public establishments. On that occasion a very large number of men stepped forward, and the General entered into their complaints at length, and concluded his despatch by stating that they behaved in a perfectly respectful manner. In other parts of India similar grievances were made known in an equally becoming spirit. The men declared that they had been fighting the mutineers for twelve months, that they had reason, from the tenor of general orders, to believe that they had conducted themselves to the satisfaction of the Commander-in-Chief, and now that the mutiny had been brought to a close they hoped their private grievances would be inquired into and disposed of. True, it was said that they themselves had mutinied, and had incited their comrades to strike; but on looking at the descriptive rolls he found that the man who was conspicuous in this attempt was a man fresh from the land of strikes, having enlisted in Lambeth only a year before. The Judge Advocate General was desired to draw up charges against him in the most formal manner; but on inquiry it was found that this truant from school had been punished for being dirty, and was then designated a mutineer. The Judge Advocate General felt that the charges were too absurd, and they were dismissed. The officers of the Indian army had just grounds of complaint of what had been said of them in the course of this debate. Over and over again it had been repeated that they were not fit to command. The right hon. Baronet the Secretary of State for India, whose duty it was to defend them, said that the officers of the Indian army "had not acted so vigorously of late," and in enumerating the general officers who had served with distinction in India he made no mention of the officers of the Indian army. He had no wish to draw invidious distinctions between the two armies, but he would never allow disparaging remarks to be made of the service to which he had belonged without raising his voice in its defence. Surely, Sir James

Outram, who in a single campaign had subdued the great empire of Persia, who in a very short time afterwards took such a distinguished part in the relief and subsequent capture of Lucknow, was not an officer of whom it might be said that he had not "acted vigorously of late." Then, again, were not Neil, Hodgson, and the defenders of Arrah officers of whom any army might be proud? He had no wish to disparage the officers of the Queen's army—he had joined cordially in the cheer which the mention of their deeds had elicited—but the services of the Indian army deserved to be recorded side by side with theirs in the same page of history. He never could sit still and hear the army decried with which he had had the honour to be connected. It certainly was a most unworthy mode of attempting to carry this Bill by describing the men of the Indian army as mutineers and the officers as unfit for command.

Mr. TORRENS said, that this measure had raised great apprehensions among the officers of the Native Indian army that they would be dealt with next after the same fashion, and the language of the right hon. Gentleman the Secretary for India in introducing this Bill certainly justified them in that apprehension. The local army had frequently been spoken of in the course of this debate as if it were a mere undisciplined rabble, but nothing could be further from the truth. In point of discipline it might not come up to the mark of the Queen's army, but all military authorities allowed that in a tropical climate it was impossible to keep up discipline to the same pitch as in this country. No regiment of the local army had ever been known to turn its back on the enemy, and that was a misfortune which happened to several distinguished Austrian regiments in the late Italian campaign. It was greatly to be regretted that no code of Instruction had ever been issued for the officers, but no one was more blameable for this than the present Secretary of State for India, who had twice been at the head of the Indian Department. He had heard with the utmost surprise of the accommodating language in which an officer of Sir William Mansfield's rank and position had written, when he changed his opinion as to the amalgamation of the forces in India. That officer was at first strongly in favour of the retention of the two armies, but having changed his opinion, he made use of those accommodating words. Whatever may have

our opinion before on account of political convenience, and the guarantees given by Parliament to the officers of the Indian army—all these considerations must be swept entirely away, and the plan of his Royal Highness must be adopted.

Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

House in Committee.

Clause 1 (Repealing so much of recited Act and of certain other Acts as authorizes the Secretary of State in Council to give Directions for Raising European forces for the Indian Army of Her Majesty).

MR. HENLEY said, that he rose pursuant to notice, to move the addition of a proviso to the clause. If the debate had done no other service, it had shown how well the officers of the Indian army could fight on any question in which they took an interest. If that were a sample of the manner in which they fought in India, it was very satisfactory. When first he saw this Bill, consisting of a preamble of about nine lines and one clause of about six lines, he was at a loss what to make of it. The only manner in which he could explain it was that the Government had brought it forward as a peg on which to hang a debate. If that were the wish of the Government, they had entirely succeeded. When he heard right hon. Gentleman after right hon. Gentleman say that they had changed their opinion, he really thought that the Bill might be brought in to prevent their changing their opinion back again. There was no law to compel the Secretary of State to enlist a single soldier unless he liked. He might have gone on as he pleased, and when he had completed his plans he might have laid them before Parliament. The right hon. Baronet, however, thought it more fair and candid to state his views in the open and manly way in which he had put them forward, and had used this Bill as a means to place the plan before Parliament. The right hon. Baronet had used language which might bear the construction that the guarantees in the Act of 1858 were in danger. He was quite sure that neither the right hon. Baronet nor the Government had the least intention to break faith with the Indian army. But they might all die to-morrow, and Governments of all things were the least permanent, so that it was impossible to say who would have to carry this unformed plan into execution. Alarm had also been created by the letters of the late Commander-in-Chief and Sir William Mans-

field, especially the letter of Sir William Mansfield, in which was the expression that all guarantees should be swept away. Supposing the scheme of the right hon. Baronet were carried out by the Commission, the regular regiments of the Native army would be turned into irregular regiments, the officers of the irregular army would be taken from a Staff corps, the Staff corps would be formed of officers of the Line, and the first appointments would be in the Commander-in-Chief. Under those circumstances he did not see how the due number of appointments would be secured to the children of persons who had served in India, and he therefore thought it better to put on record the opinion of the House, that these privileges should be retained. He would therefore conclude by moving, as a proviso at the end of the clause,

"That the same or equal provision be made for the sons of persons who have served in India, and the advantages as to pay, pensions, allowances, privileges, promotion, and otherwise, secured to the military forces of the East India Company by the Act 21 & 22 Vict., c. 106, ss. 35, 56, and 58 respectively, shall continue and be maintained in any plan for the reorganization of the Indian army, anything in this Act contained notwithstanding."

SIR CHARLES WOOD said, he was obliged to the right hon. Gentleman for giving him the credit of never having indicated an intention to break faith with officers of the Indian army. When first he saw the Amendment he was disposed to say that it was unnecessary, because there were no words in this Bill which repealed the clauses in the Act of 1858. But as a number of persons had taken on themselves to assert that it would be impossible to keep faith if the Indian local forces were united with the general army of the Line, and as opponents of the Bill had attributed to the Government an intention to break faith, which was never entertained, he was perfectly willing to assent to the Amendment. He did not know how the Government could give a better pledge of the sincerity of their intentions than by accepting gladly and willingly the Amendment of the right hon. Gentleman, and it would, at the same time, allay any feeling of alarm which might have been created. It had always been the intention of the Government to maintain faith with the officers of the Indian army, and he was convinced that Sir William Mansfield did not for a moment intend, when he used some incautious words, to convey the impression that he thought faith should be broken.

Mr. Torrens

Whatever arrangement was proposed, faith would be fully kept, and he was glad that words would be added clearly showing what were the intentions of every one in Parliament upon the subject.

SIR MINTO FARQUHAR said, he thought it necessary that the clause of the Bill of 1858 should be re-affirmed, and the more so as the Royal Commission of that year inserted words in their Report relative to the difficulty of maintaining the existing rights of the officers of the local force if it should be united with that of the Line.

SIR EDWARD COLEBROOKE observed, he was glad to accept the concession of the Government, as an acknowledgment of the difficulties which surrounded the question.

Amendment agreed to.

Clause, as amended, agreed to.

Preamble agreed to.

SIR JOHN PAKINGTON said, he wished to know when the question of fortifications was to come on.

VISCOUNT PALMERSTON said, that hon. Members who had notices standing for the next day were kind enough not to object to the Report of the Committee on this Bill being taken to-morrow before the Notices. Now that the Government had conceded to the Motion of the right hon. Gentleman, he hoped that when the House had agreed to the Report the debate on the third reading would not occupy a very long time. He would have liked to take a third reading on Wednesday, but, on account of other Bills, that could not be done. He had fixed it for the earliest possible occasion—the first thing on Thursday; and as soon as they had disposed of it they would go into the subject of fortifications.

MR. HORSMAN said, that the statement of the noble Lord seemed to involve a very considerable change. He maintained that nothing could be clearer or more distinct than the statement of the noble Lord the other day, that after they had gone through Committee on the Indian Army Bill the question of fortifications was to be taken. It was thought to be rather a serious matter that that question should be indefinitely postponed; and the appointment of the third reading of the Indian Army Bill for Thursday was certainly a wide departure from the general understanding. He thought that after what had occurred that evening the Government ought not to be quite so sure that the third reading would pass without discussion. He must say he never remem-

bered an instance of such an occurrence as they had witnessed that night. It was understood that a discussion was to take place on the Motion of the hon. Baronet the Member for Ayrshire (Sir James Fergusson). By common consent the various instructions to be moved on going into Committee were all withdrawn; and there were, he was certain, not less than from a dozen to a score of hon. Members who were ready to have taken part in what was deemed the real discussion on this subject. He could see hon. Members in different parts of the House who had reserved themselves for that discussion. To the amazement of everybody, as soon as the hon. Member for Ayrshire sat down, the question was put from the Chair. In all his experience he never knew an instance of a question being put so quickly; nor could he recollect any occasion on which, in the division lobby, so much surprise and dissatisfaction were expressed. Not once only, but twice, had the same thing happened that night. It was known that he was going to make a Motion before the Orders of the Day were gone into. He was somewhat experienced in the business of the House, and, having carefully watched his opportunity, he rose at what he believed was the proper moment. He was told he was too late. Twice, therefore, it had occurred in the course of the evening that an Amendment had been suppressed—

SIR GEORGE GREY said, he rose to order. It was, he believed, out of order for the right hon. Gentleman, with the Chairman of Committee presiding, to impugn the conduct of Mr. Speaker, who should be present to hear any charges made against him. Even if the right hon. Gentleman were not out of order it would be at least more becoming in him to postpone his statement until the Speaker had taken his seat.

THE CHAIRMAN: It certainly is not regular in a Committee upon a Bill to advert to any topic except its clauses. The Committee has closed the discussion of the clauses of this Bill. The Question is that I now leave the Chair, and it is not desirable that any discussion foreign to the clauses of the Bill should be opened.

MR. HORSMAN said, that a question had been put to the noble Lord which had naturally led to the discussion, and if the noble Lord was in order in stating reasons for supposing that there would be only a short discussion upon the third reading of the Bill, he might state reasons why he

thought that the contrary would be the case. As this was a question which probably would, and which ought to, occur very seldom, he might be permitted in the general interest of Members of the House to say he entirely differed from what had just been said by the right hon. Baronet the Chancellor of the Duchy of Lancaster, and that he thought that when these discussions had been curtailed it was better that it should be remarked upon when it could be done without impugning the conduct of Mr. Speaker at the time that he was in the Chair. He did not wish to impugn that conduct, but still he did say that on two occasions that day their discussions had been stopped when hon. Members were anxious to go on with them. The noble Lord ought, therefore, to feel that when the third reading of the Bill came on, there might be a desire to revive the discussion which had been curtailed that evening. He would only in conclusion repeat an opinion which had been expressed in various quarters of the House, that the shortening their discussions by the strange mode of putting questions more rapidly than hon. Members could intercept them by their speeches would conduce neither to the progress of public business, nor to the dignity and good order of the House.

MR. BERNAL OSBORNE said, he did not wish to refer to the Indian business, or to the question mooted by the right hon. Gentleman who had just sat down, but he did wish to remark that he did not think the noble Lord (Viscount Palmerston) was treating the question of fortifications or the House itself fairly in saying, that provided there was no discussions on the third reading of the Indian Bill he would bring on the Vote for Fortifications on Thursday. What he wished, with every friendly disposition to the noble Lord, was to impress on the noble Lord the importance of stating Thursday positively as the day on which he would bring on the subject. It was altogether too serious a matter to be trifled with. No doubt the Indian army was a most important subject for debate, but he believed the fortifications question was equally so.

SIR JOHN PAKINGTON rose to a point of order. He apprehended that the question of the proper time for the third reading would properly come forward after the Chairman had left the chair, and he would venture to submit that that would be the occasion for mootng it.

MR. HORSMAN: I beg then to give

Mr. Horsman

notice that, when the Orders of the Day on Thursday are read, I will move that the Vote for fortifications shall take precedence of all other orders.

THE CHAIRMAN: I venture respectfully again to repeat to the Committee that we are discussing the question of the fortifications and other matters of which this Committee has no cognizance whatever. This conversation, therefore, so far as it has related to such topics, is entirely irrelevant.

House resumed.

Bill reported; as amended, to be considered *To-morrow*.

ECCELESIASTICAL COMMISSION, &c., BILL.—CONSIDERATION.

Order for Consideration read.

MR. DARBY GRIFFITH moved a Clause providing that whenever any proposition was brought forward at any meeting of the Ecclesiastical Commissioners the object of which was to increase the revenues of any member of the episcopal Bench, or of any church dignitary, the clerical members should be entitled to deliver their opinions, but not to vote.

"*Clause* (Whenever any proposition or scheme may be brought forward at any meeting of the Ecclesiastical Commissioners, the object of which may be to increase the endowments, emoluments, or revenues of any member of the episcopal bench, or of any dignitary of the church, or of any caputular body or corporation aggregate, the episcopal or clerical members of the Commission may attend such meeting and deliver their opinions, but shall not be entitled to vote upon such proposition or scheme)."

Brought up, and read 1^o.

SIR GEORGE LEWIS opposed the clause. He did not see how it was possible to make any distinction in point of power between the different members of the Commission.

MR. DARBY GRIFFITH said, the Commission consisted of twenty-eight *ex officio* members and six or eight gentlemen who were responsible to Parliament. What he complained of was that the latter were reduced to mere ciphers by the votes of the *ex officio* members. The Commission was intrusted with extensive powers, which it ought to exercise under great responsibility, but at present the reverse was the case.

MR. DEEDES said, that as long as the clerical members of the Commission had a seat at the Board it would be an invidious thing to deprive them of their votes.

Motion made, and Question put, "That the said Clause be now read a second time."

The House divided:—Ayes 28; Noes 202: Majority 174.

MR. DARBY GRIFFITH then proposed, with a view of preventing a secret transaction between one office and another, a clause to the effect that every transaction between the Ecclesiastical Commission and other public office should be laid on the table of this House for three months before it was carried out.

SIR GEORGE LEWIS said, that the hon. Member seemed to have forgotten that the very identical speech in support of the same Motion was delivered at three o'clock some days since, when the Committee showed no disposition to assent to his proposal. It appeared to him that there was no reason why transactions with a Commissioner acting under the Crown should be particularly in want of precautions of this kind. It was very improbable that the House of Commons could be a proper guide in matters of this kind.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived*.

MR. AYRTON, in moving an additional clause, said, it was not his fault that the House was discussing the Bill at that hour of the night, or that period of the Session, for the Bill was one that might have been introduced on the first day of the Session. He was about to propose a clause which was of the greatest importance, not merely to the Metropolis, but to the whole of the kingdom. There was no part of the country which more deserved the sympathy of Parliament than that with which he was connected. Some two years ago a Committee of the House of Lords was appointed to consider this question. That Committee was composed of some of the most distinguished Members of the other House, both temporal and spiritual. It reported that Middlesex, the county which was the centre of the civilization, the enterprize, the wealth and power of the country, was actually the very lowest of all the counties in England with regard to provision for public worship. That reflected the highest discredit on the whole kingdom. Speaking of the ecclesiastical property in the Metropolis, which had become of greater value through the population assembled upon it, the Committee observed that the wants of the population formed in justice a first claim upon that property. At present the Ecclesiastical Commission applied the property to the

augmentation of small livings throughout the country; but he contended, in accordance with the Report of the Lords' Committee, that it was wrong to deprive the inhabitants of the Metropolis of the use of it. The clause he had to submit applied to every city in the kingdom, as well as to the Metropolis. The principle of it was that where the inhabitants themselves had by increase of number increased the value of the Church property, that the revenues should be, in the first instance, applied to relieve the spiritual destitution of the town or city from which the increased revenue was derived. Moreover, it must be recollected that no personal injury could be done, because, under the Act of Parliament, the different bodies interested could not themselves dispose of the surplus property, and he knew of no better way of disposing of it than by relieving the existing spiritual destitution. The right hon. Gentleman the Home Secretary would, no doubt, tell them that this clause was unnecessary, as there was already a clause in the Bill to provide for the want that he had pointed out; but that clause only applied to rural parishes, and not to cities, and still less to the chief city of the empire. Looking to the large sums which had been lavished by the Commission on the dignitaries of the Church, he thought the time had come when they should apply the funds to the benefit of the poor, and when the Church property in a parish should be applied in the first instance to relieve the spiritual destitution of that parish. He would, therefore, move the insertion of a clause to the effect that where estates of any corporation transferred to the Commissioners yielded an income beyond the amount paid by the Commissioners to the Corporation, the surplus should be employed for the purpose of increasing the provision for the cure of souls in the Metropolis or other city or town from which such excess or surplus arose.

"*Clause* (Where any estates of any corporation, aggregate or sole, which have been or may be transferred to the Ecclesiastical Commissioners, yield a net surplus of annual income above the amount, if any, paid by the Commissioners to such corporation, or where any ecclesiastical corporation, sole or aggregate, is in receipt of an income fixed by Act of Parliament, and the estates of such corporation yield a net surplus of annual income above the income so paid, the rents and profits of any houses, buildings, or works, or of the ground on which the same are or may be erected or carried on, forming part of any such estates, and situate within the limits of the Metropolis as defined by the Metropolis Local Management Act

(1855), or within the municipal limits of any other city, borough, or town, shall, so far as any such surplus as aforesaid may extend, be applied by the Commissioners in the first place for the purpose of making sufficient provision for the cure of souls within the limits of the metropolis, city, borough, or town respectively, within which such houses, buildings, or works are situate, and the rents and profits of any mines, factories, or works, and of any houses occupied by persons employed therein, or of the ground whereon the same are or may be erected, forming any part of the said estates, shall, so far as such surplus income as aforesaid may extend, be applied by the Commissioners in the first place in making sufficient provision for the cure of souls in the parishes where the persons employed in or connected with such mines, factories, or works, reside.)"

Brought up, and read 1^o.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. ROEBUCK moved, that the debate be now adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."

SIR GEORGE LEWIS hoped the hon. and learned Member would not persist in his Motion. The hour was not late. This Amendment was not a new one. The hon. Gentleman (Mr. Ayrton) moved one to the same effect in Committee, and it was negatived. The question of local claims had been fully discussed, both in a Committee of that House and a Committee of the House of Lords, and the Committee of that House recommended the course which had been adopted in the Bill. The present law limited local claims to tithes; but by the Bill it was extended to lands. He trusted that under these circumstances the Bill would not be altered. If they gave an absolute preference to London and other large towns, they prevented the application of the principle on which the Commission was founded—the increase of small livings. The clause would compel the Commissioners to apply the property to London, though they might think that rural parishes had a better claim.

MR. DARBY GRIFFITH said, he was informed that there was a canonry of St. Paul's which would be suppressed in about six years, and to which property in Finsbury was attached, which would eventually be worth £60,000 a year; and he asked if it were just that such a property should be taken from the Metropolis and applied to rural parishes?

Motion, by leave, *withdrawn*.

Main Question put.

The House *divided*:—Ayes 54; Noes 116: Majority 62.

Mr. Ayrton

LORD JOHN MANNERS said, he would then move the omission of the 5th, 14th, 15th, and 16th Clauses, which were not necessary to carry out the provisions of the Bill. No body of men had managed to concentrate upon itself so much odium as the Ecclesiastical Commission, and now in July they were asked to give it an enormous extension of power. The first and last clauses he proposed to leave out had already been condemned by a Committee, and the whole question of caputal estates would be dealt with next Session. He therefore invited the House to leave out those clauses, and obtain for the Bill a good chance of passing the House of Lords, which it would not have if it were complicated with these clauses.

SIR GEORGE LEWIS said, the question had already been settled in Committee. There was nothing in it that prejudiced the question of caputal estates, as it related exclusively to the objects of the Commission. He disapproved of the course taken by the noble Lord in proposing the omission of Clause 5, and he should therefore support the clause.

Question, "That Clause 5 stand part of the Bill," put, and *agreed to*.

Bill to be read 3^o *To-morrow*.

POOR RELIEF, &c. (IRELAND), BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed,— "That the Bill be now read the Third Time."

MR. BERNAL OSBORNE said, he had the other night made some strictures on the administration of the Poor Law in Ireland, and particularly on the constitution of the Poor-Law Board. He then observed that it was unfortunate that the Irish Poor Law Commissioners were not gentlemen connected either by residence, property, or religion, with the mass of the population of Ireland, and that it had a sectarian character imputed to it by the people of that country. He also stated that many gentlemen had been removed from that Commission who happened to be Roman Catholics, but he had guarded himself against saying they were removed because they were Roman Catholics. He wished to know whether the attention of the right hon. Gentleman the Chief Secretary for Ireland had been drawn to a letter published in the papers that day, and addressed to him without any notice having been given, by one of

the Commissioners, in which the writer denied his strictures, and accused him of making groundless statements in his absence. He would say nothing of the breach of privilege committed by the writer of that letter, but it was not becoming a gentleman in his position to put forth in that manner such charges against an independent Member of Parliament, who made in his place—as he had a perfect right to do—the strictures which he passed upon the Commission the other night in the presence of the Chief Secretary for Ireland, who was the first Poor-Law Commissioner of that country, and who, therefore, could contradict his statements, if they were groundless. Moreover, another of the Commissioners was sitting under the gallery at the time, and the right hon. Gentleman was in communication with that Commissioner. So that the assertion of Mr. Senior, the writer of the letter, as to his statements having been made in the absence of any Member of the Commission, was evidently erroneous. He would ask the right hon. Gentleman whether he thought it the duty of a paid subordinate of the Poor-Law Commission to publish these animadversions in the newspapers, without communication either with the right hon. Gentleman or with himself. He begged now to reiterate the statements he made the other evening. He had said that Mr. Ball, one of the Poor-Law Commissioners, when he resigned, was a Roman Catholic Gentleman, well acquainted with the wants of the people of Ireland. It was of importance that a Commissioner should be a Roman Catholic, not from any sectarian reason, but because in the circumstances of Ireland a Protestant gentleman must be totally unacquainted with the usages or the discipline of the Roman Catholic Church; and, as a consequence, in the appointment of chaplains to union workhouses, there had been constant squabbles and complaints. Mr. Ball was succeeded by a gentleman who was not an Irishman, and who was a Protestant. His successor was Mr. Senior, the writer of the letter to which he had referred. Mr. Senior said, indeed, he was a sort of Irishman, inasmuch as, like himself, he had married an Irish lady. Mr. Senior was transferred to Ireland from the English Poor-law Board, of which he had been an inspector. He believed that gentleman was a most efficient officer, but when sent to Ireland he was put over the heads of men equally efficient, and who, from being Irish-

men, and possessing a knowledge of the country, were as well entitled to be put there as he. Mr. Senior denied that he was an Englishman, but did not deny that he belonged to the Established Church. That was his first charge. His next charge was, that certain officers who were Roman Catholics were dismissed from the Commission, and replaced, in many cases, by Protestants and Englishmen. Mr. Stanley, who was secretary to the Commission, and a Roman Catholic, was succeeded by Mr. Banks, an Englishman and a Protestant. Mr. Joseph Burke, Inspector, a Roman Catholic, who had been sixteen years under the Commission, and caught the famine fever, was put on one side; Dr. Pheelan was put on one side; Mr. Robert Lynch, a Roman Catholic, was put on one side; Mr. Murray and Mr. Barrow, also a Roman Catholic, were put on one side. These gentlemen were perfectly able to do their work; they were replaced by temporary inspectors, two of the five being English, and all Protestants. Mr. Senior had made it a matter of complaint against him, that he had stated those facts. He said nothing of the taste of making such a complaint, without either communicating with the First Commissioner or himself; but if Members of Parliament were to be charged under such circumstances by members of the Board with making groundless statements in letters in the newspapers, it would not add to the efficiency of the Board. Probably he was wrong the other evening in using so strong a term as ignorance with reference to members of the Commission. It was too strong a term, and he would have withdrawn it had Mr. Senior communicated with him privately. But he stood on his right to make strictures on the construction of this Board. He reasserted what he had said—these appointments had all been given to gentlemen of the Established religion, and none of them were natives of the country.

MR. NEWDEGATE said, he was surprised that the hon. Member should contend that none but a Roman Catholic was fitted to administer the poor law in Ireland on the ground that they only understood the usage and discipline of the Roman Catholic Church; and because this was denied, the hon. Gentleman sought to gag the official of the Board who called it in question. Moreover, the clauses in the Continuance Bill had passed on Friday morning at three o'clock; and he therefore

proposed that the Bill should be recommitted, to enable the House to judge of the whole matter.

Amendment proposed, to leave out from the words "That the" to the end of the Question, in order to add the words "said Order be discharged."
—instead thereof.

MR. BRADY said, he thought the hon. Gentleman, the Member for Liskeard, had good reason to complain of Mr. Senior's letter. Out of fifty-one officials connected with the Irish Board only eleven were Roman Catholics. A country, five-sixths of the people of which were Roman Catholics, could not have confidence in a public Board which bore upon it so evident a brand of sectarianism.

MR. CARDWELL said, he was glad to hear the hon. Gentleman (Mr. B. Osborne) say, that if he had to make his speech over again he would not use the word to which reference had been made. Mr. Senior discharged his duties with great ability and great fidelity, but he would frankly admit that he could not justify the circumstances under which Mr. Senior's letter was written, and he had already communicated this opinion in a private letter to Mr. Senior. He could not help joining in the regret (in which Mr. Power and Mr. Senior both shared) that the Protestant Members and officers of the Board were in so large a proportion to the Roman Catholics. If an opportunity presented itself of reconstituting the Board, so as to make it represent both classes of the population more accurately, it would be a great improvement. The present constitution of the Board was the work of another Government many years ago. It was owing to official circumstances, and was not attributable to the desire that the new law should be administered by the Members of one persuasion. He trusted the House would not agree to the proposal of the hon. Member (Mr. Newdegate) that the Bill should be recommitted in order that a clause, inserted the other evening, should be reconsidered.

MR. GEORGE said, he had not ever perceived any sectarianism in the administration of the Poor Law in Ireland. At the same time he had been of opinion that the Bill was a mere Continuance Bill.

Question put, "That the words proposed to be left out stand part of the Question."

Mr. Newdegate

The House divided:—Ayes 100; Noes 8: Majority 92.

Main Question put, and *agreed to*.

Bill read 3^o, and *passed*.

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, July 31, 1860.

MINUTES.] PUBLIC BILLS.—1st Debtors and Creditors Act Amendment; Poor Relief, &c. (Ireland); Superannuation Act (1859) Amendment; Senior Member of Council (India); Admiralty Jurisdiction (India).

2^a Militia Ballot.

3^a Felony and Misdemeanour; Herring Fisheries (Scotland); Titles to Land (Scotland) Act (1858) Amendment; Party Emblems (Ireland); New Zealand.

MAYNOOTH COLLEGE BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee on the Maynooth College Bill read.

Moved, that the House do now resolve itself into a Committee on the said Bill.

THE EARL OF MAYO said, it appeared to him that the authorities of the College would have power, as the Bill was framed, to apply the whole sum voted by Parliament for the benefit of the students to repairs of the College.

LORD REDESDALE wished to know on what principle the Bill proceeded. The measure involved questions of great importance. By the Maynooth Act, it was provided that the senior students, as the time drew near for their admission to the University, were allowed £20 beyond the ordinary allowance, and he understood that by this Bill the whole charge of the repairs of the College buildings was to be thrown upon that fund. The 4th section of the Act provided for the setting aside of £6,000 a year for the President, Vice President, and Professors of the College; and the 5th clause allotted £40 a year to the superior students on the foundation. It seemed very unfair that when all the members of the College were almost equally concerned in the matter of repairs, the expense of them should be borne by one fund. He thought some explanations ought to be afforded by the Government as to the arrangement proposed to be made.

THE DUKE OF ARGYLL said, that the proposed arrangement emanated from the trustees of the College, who were not all

Roman Catholics, and the outlay must be sanctioned by the Commissioners of Public Works.

LORD REDESDALE said, it was important to know the gross amount which was to be thus diverted from the purposes for which the grant was voted by Parliament.

THE DUKE OF LEINSTER was understood to say it would not be possible to estimate the amount precisely.

THE DUKE OF SOMERSET said, the Bill had included the two charges under one head because of the bad feeling created year after year by discussions respecting the grants to Maynooth. The funds were voted for the College, but it was evident there would be expenses for repairs, and to avoid the excitement consequent upon the annual bringing forward of a Bill for those expenses the Government had thought it most advisable to embody the charges for repairs and for maintenance in the same Bill.

Motion *agreed to*: House in Committee accordingly.

Clause 1 *agreed to*.

Clause 2 (Commissioners of Public Works to advance Money on Security of Portion of Grant applied towards Buildings and Repairs).

VISCOUNT DUNGANNON objected to the wording of the clause, which would empower the trustees to borrow money for repairs to an indefinite extent. No less than £32,000 had already been laid out on the buildings, and he did not know how much more might be required. If the trustees were left to borrow as much as they thought proper, on the security of the income diverted from the students, they would soon be making an application to Parliament on account of the diminution of their income from that source. He thought that the sum to be thus borrowed should not exceed £15,000. He would move the rejection of the clause.

EARL GRANVILLE thought that one of the main grounds of opposition to the clause was disposed of by the fact that no expenditure could take place under its operation without the sanction of trustworthy persons.

THE MARQUESS OF NORMANBY said, he considered the arrangement of Sir Robert Peel with regard to Maynooth most beneficial, and, therefore, he should support a similar principle now, especially as the money would be spent under the vigilant inspection of trustworthy Commissioners.

After a short discussion,

VISCOUNT DUNGANNON said, he would not press his Motion against the feeling of the House.

Motion, by leave of the Committee, *withdrawn*.

Bill *reported*, without Amendment.

On the Motion of LORD REDESDALE, a clause was added, giving to the Commissioners of Public Works the control of the proposed expenditure.

Bill to be read 3^a on *Thursday* next.

LOCAL GOVERNMENT ACT (1858)
AMENDMENT BILL.
COMMITTEE.

THE MARQUESS OF CLANRICARDE presented petitions from owners of mining property against Clause 12, which had been introduced into the Bill in the House of Commons, not by the Government, but without notice by an independent Member. The effect of this clause, the petitioners stated, would be that any land which contained mines in the neighbourhood of a town would be subjected to an assessment four times as heavy as land occupied for other purposes.

LORD WODEHOUSE explained the grounds on which the clause was admitted into the Bill. By the Act of 1858, a partial exemption was allowed to some kinds of land peculiarly situated: it was provided that the owner of any rent-charge or tithe commutation charge upon land, or the occupier of land used as a railway, road, or towing path, should be assessed in respect only of one-fourth part of the estimated annual value of the land, if built upon or occupied for agricultural purposes. It had been argued that this exemption applied to mining property; and as in some instances, where that property was the most extensive and valuable in the neighbourhood, large sums of money had been borrowed on the security of the rates, it was thought that it would be unjust to allow such an exemption to be established. Although the clause did not originate with the Government, it appeared to him so important that to abandon this clause would be tantamount to the loss of the Bill.

House in Committee (according to Order).

Clauses 1 to 11 *agreed to*.

Clause 12 (For Relief of Occupiers of Coal Mines, &c., from Proportion of Rates).

LORD STANLEY OF ALDERLEY moved that the clause be omitted. It would render mining property subject to only one-fourth of the rate, and would thus

operate to the disadvantage of the owners of houses. He saw no sufficient reason for such a concession, and he had to add that the clause appeared to have undergone very little consideration in the other House, for it had been introduced into the Bill in Committee, without notice, after two o'clock in the morning.

Moved, To disagree to the said Clause.

LORD CRANWORTH supported the clause. Mining property would obtain but a small portion of the benefits for which the taxation was to be imposed, and it was only fair that they should be but partially subject to the charge.

THE EARL OF DERBY said, a letter from Bury, in Lancashire, had been placed in his hands that evening, stating that all parties there were utterly ignorant of the alteration in the Bill until the discussion took place upon it, and that numerous petitions against it would be presented to their Lordships in the course of two or three days. Under these circumstances he trusted that, as the clause would injuriously affect a large amount of property, and had no proper relation to the Bill, it would be withdrawn or postponed.

EARL GRANVILLE denied that the clause was irrelevant to the Bill, and contended that it had been introduced in the ordinary course in the other House, where ample opportunities were afforded for its discussion.

LORD WENSLEYDALE also expressed his approval of the clause, which only did that which was just and fair to mining property.

THE LORD CHANCELLOR pointed out that the owners of coal mines derived advantage from the expenditure in towns for police, lighting, &c.

LORD CHELMSFORD approved the clause. Until 1848 mines were only liable to one-fourth of the rate. In that year they were made liable to the whole rate, at the same time that analogous descriptions of property were exempted from a portion of the rate. In 1858 tithe and tithe-rent-charge were relieved in the same manner. Coal mines were overlooked, and this clause would only place them in the position in which they were before 1848.

THE DUKE OF CLEVELAND opposed the clause, observing that coal-owners did not wish to be exempted from the rates under the Bill, but to be placed on the same footing as the owners of the soil on the surface. It would be an act of injustice to make them pay as much as the in-

habitants of towns, who derived far greater advantage from the expenditure of those rates.

LORD OVERSTONE said, that reason and justice were clearly in favour of the clause. As to the mode in which it had been introduced in the other House, he was informed that eleven Members took part in the debate—three opposing and eight supporting it, and that the Home Secretary acceded to its introduction. There had been no surreptitious proceedings, and no one could have been taken by surprise.

THE MARQUESS OF CLANRICARDE intended to vote against the clause without regard to its merits, because he thought the inhabitants of towns, who would be affected by it, ought to be fairly heard before it was adopted.

THE EARL OF SHREWSBURY, though interested in mines, concurred in the opinion that they ought not to pass a clause which had been introduced into a Bill in the other House at two o'clock in the morning, without notice. He declined to discuss the merits of the clause, but could not help thinking that the proprietors of mines derived great benefit from expenditure in towns on roads, sewers, and lighting.

On Question, Whether the said Clause shall stand part of the Bill, their Lordships *divided*:—Contents 42; Not-Contents 24: Majority 18.

An Amendment made; the Report thereof to be received on *Thursday* next.

MUNICIPAL CORPORATIONS (IRELAND) ACT AMENDMENT BILL. COMMITTEE.

Order of the Day for the House to be put into Committee on the Municipal Corporations (Ireland) Act Amendment Bill read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

THE EARL OF DONOUGHMORE complained that this Bill gave corporations power to appoint coroners who should have the exclusive right of holding inquests within the jurisdiction of the Corporation, without reserving the rights of the existing coroners. He hoped his noble Friend when they got into Committee would introduce a proviso to save the rights of the present coroners.

LORD MONTEAGLE said, the Bill was intended to amend the following defect in the Irish Corporations Act. By that Act there was no power in the Corporations to

appoint a coroner, unless they had a recorder and a Recorder's Court. Now, many of the Corporations did not wish to have either, because they enjoyed the benefit of the Assistant-barrister's Court. Their only alternative, therefore, in the matter of the coroner, was to take the county coroner; and this was often attended with great inconvenience, as the county coroner could not always be secured when an inquest was required to be held. The Corporation of Limerick, in particular, had been put to much inconvenience on that account. The present Bill proposed to give the Corporations power to elect a coroner, even though they had no recorder. He hoped the House would agree to the measure, and would not condemn them to the alternative either of appointing an officer whom they did not want, or to go without another officer of whom they stood in urgent need.

Motion *agreed to*. House in Committee accordingly.

THE EARL OF DONOUGHMORE moved the insertion of a proviso taken from the Municipal Corporation Act, with a view to protect the interests of coroners in certain cases.

LORD MONTEAGLE said, it was impossible for him to assent to the proposal of the noble Earl. The effect of the Amendment would be simply to continue the county coroner in office where he was non-resident, whereas the object of the Bill was to enable Corporations to appoint a coroner in their own neighbourhood.

Amendment *negatived*.

Bill *reported*, without amendment, and to be read 3^a on *Thursday* next.

MILITIA BALLOT BILL.

RESOLUTION OF URGENCY.—SECOND READING.

EARL DE GREY AND RIPON rose, and *Moved* to Resolve,

"That as regards the Militia Ballot Bill, inasmuch as if it do not become Law immediately the Militia Ballot will at once come into operation; and as it is not advisable in the present Circumstances of the Country to resort to that Method of raising Men for the Militia, the Circumstances which require Legislation on the Subject Matter of the said Bill are of such real Urgency as to render the immediate Consideration of the same necessary."

On Question, *Resolved* in the Affirmative.

Bill read 2^a (according to Order), and committed to a Committee of the Whole House on *Thursday* next.

VOL. CLX. [THIRD SERIES.]

NEW ZEALAND BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3^a.

LORD LYTTTELTON said, he was naturally unwilling to offer anything like serious opposition to a measure on its third reading, especially in the absence of the Minister who had framed the Bill and was responsible for it. Had the papers now on the table been produced at an earlier stage they would have better known the grounds on which it proceeded; and, having now given those papers his best consideration, he must say they did not appear to him to furnish sufficient reasons for pressing the Bill in the present Session. The petitions he had presented against this Bill were signed, among others, by two members of the Executive Council of the Colony, two of the Administrative Council, and five of the Representative Assembly. The Bill was founded on the recommendation of the Governor; but there was a serious difference of opinion between the Governor and his ministers on the subject. It was much to be regretted that there should be this want of cordiality and friendly feeling between them. The Governor was supported by the Bishop of New Zealand, the late Chief Justice, the late Attorney General, and a considerable number, though not all, of the missionary clergy of the colony: while in the opinion of the members of the Council the measure could not fail to excite strong public dissatisfaction, and such a proposal could not have been made to the Colonial Legislature with any chance of success. It could not work in harmony with the representative institutions of the colony. It was strange that in the eighth year after giving a representative constitution to New Zealand they should propose to pass a measure without the sanction of the constituted ministers of the colony, or the concurrence of the Administrative Assembly, ousting the regular authorities of the colony from the control of a large portion of their domestic affairs. It was in his opinion extremely desirable that the Bill should not be passed into a law until it had been regularly submitted to the consideration of the colonists and its provisions adequately discussed. What, he should like to know, had happened since the Bill had been laid before Parliament to recommend its adoption to the House? Nothing. But it was the fact that an in-

urrection had broken out in New Zealand, and in that circumstance of itself a sufficient reason was, he thought, to be found for proceeding with due caution in the course of legislation which was proposed. Upon these grounds he trusted the House would see the expediency of postponing the Bill until next Session; while he must also express a hope that the Home Government would before long become alive to the propriety of giving to the colonists more power of disposing of questions such as that which the Bill involved than they at present possessed. The system, he might add, of withdrawing Native questions from the control of colonial authorities was not that which had been pursued by this country in past times, nor was there in the Act regulating the constitution of New Zealand any provision which could be regarded as debarring the General Assembly of the colony from dealing with matters so immediately affecting their welfare. It was indeed contended that the Home Government, being responsible for the military defences of the colony, were bound to keep the affairs of the Natives in their own hands instead of allowing them to be disposed of by the colonists; but the answer to that argument was that, however much we in this country might be interested in the position occupied by the Native population, the interest of the colonists themselves in the matter was still greater. He was, however, prepared to admit that there was some validity in the argument, and he regretted that the colonists had shown so little disposition to weaken its force, inasmuch as when the outbreak took place they had, instead of relying on their own strength and skill to meet the emergency, looked for assistance to the old system of military support from home. That was the more to be lamented, because, in the northern island of New Zealand the colonists were nearly equal in number to the Native population; for it appeared from the census which had been taken three years ago, that the whole English population of the colony was not far from 33,000, while the whole of the Natives did not amount to more than 51,000 or 52,000; while the former rapidly increased, and the latter unfortunately exhibited a progressive diminution. The condition of the Native tribes could not be looked upon as wholly satisfactory, and from the papers on the table, which contained very full information, one was led somewhat to doubt the justice of the eulogiums passed

Lord Lyttelton

on former Governments. One of the objects pointed out in these despatches was the enabling of Natives to individualize their title to land; while another, by far the most important and difficult that could arise, was whether the Natives in future should continue to deal respecting their lands with the Crown, or directly with the settlers. Sooner or later the rule on this point would have to be relaxed, and the question, which each year became more difficult, required the united consideration of the ablest minds in the colony. He was disposed to agree with Lord Carnarvon, whose colonial administration had gained for him great credit, that the present system must, at all events, be continued for some little time, though he stated, on the authority of Mr. FitzGerald, who had been Prime Minister of the Colonial Administration, that the disputes with the Natives had commenced, almost without exception, with the Government or their agents, and in no instance through any act of the colonists. The measures relating to the Natives passed by the General Assembly of New Zealand, most of which had been ratified by the Home Government, had been attended with very beneficial effects, and the sum of £7,000, which was placed by the Civil List at the disposal of the Governor for objects of importance to the Native population, was always largely added to by that assembly. It was proposed by this measure to constitute a divided authority, by creating a new Council, based not on the old, well-known colonial system, but according to the bad modern plan of nomination. He should be glad to have the opinion of the noble Earl (the Earl of Derby) on the subject. No inconvenience could possibly follow from the postponement of the measure to another Session, and he assured the House that it was regarded with great uneasiness by those who were best acquainted with the affairs and interests of the colony. He therefore begged to move that the Bill be read a third time that day three months.

Amendment *moved*, to leave out "now" and insert "this Day Three Months."

LORD LYVEDEN said, this was a measure affecting not only the prosperity but it might be even the salvation of an important colony, and the well-being of one of the finest Native races, and though the noble Duke in introducing the Bill had stated that it did not owe its origin to anything which had recently happened,

he feared if it were now passed such would inevitably be the appearance it would assume in the eyes of the colonists. Therefore, as legislation was not urgently required, he would venture to add his advice to the recommendations of the noble Lord that the Government should not pass the measure during the present Session. Their Lordships, he thought, would be much better prepared to deal with the subject if they were in possession of the opinion of the Duke of Newcastle, which was not contained in the papers produced, though the Governor had applied for it, in order to be able to meet the Representative Assembly in New Zealand in March, 1860. It was probably, therefore, on record, and that as well as other documents ought to have been produced. For instance, he wanted to know why this Bill had not, in the first instance, been carried through the Colonial Assembly, instead of imparting to it an Imperial aspect? The House, he thought, in case they sanctioned the measure, would be making a most hazardous experiment, that of creating an *imperium in imperio* in the shape of an irresponsible Native body without powers of taxation. For these they would be compelled to resort to the Representative Assembly, on which a slur was cast by the very formation of a new deliberative body, in defiance of the promise of a responsible Government. The Governor had expressed his opinion that their Native Council, consisting of unpaid gentlemen voluntarily discharging public duties, would be a target for abuse and misrepresentation from all sides. Was this desirable in the present state of the colony? After all the names of only two members had been mentioned, those of the Bishop and Dr. Martin, whom the Government recommended for the office. Another defect in the Bill was that it provided no security for the Imperial loan. On the whole, it would be most advisable to withdraw the Bill for the present Session. Meanwhile they might receive a more decided opinion from the Government, as well as hope for a more settled state of things in the island itself. He had heard that it would meet with considerable opposition in the other House, where there certainly was no need of any additional difficulties being thrown in the way of the prorogation of Parliament.

EARL GRANVILLE said, he had heard nothing from either of the noble Lords, though both were most competent to pronounce an opinion on the question, which

induced him to concur in the desirability of postponing this Bill for another Session. As to the petition which had been presented, even if it had been unanimous, it would not have had preponderating influence with their Lordships, and he was informed that there were many colonists who held different views. The Crown could abdicate its duty of looking after the interests of the Natives, who were as much its subjects as the settlers, and it was on that principle that this Bill was brought forward. It was merely carrying out the reservation which had been formerly made with regard to the Natives, and also as to the disposal of land. He quite agreed that the measures of the General Assembly were on the whole well considered; but still there was a feeling of prejudice on the part of the Natives which did not induce them to receive in the most favourable manner the measures passed by the Legislature. If the Crown could appoint persons to this Council who would command the confidence both of the settlers and the Natives, the result would not only be that the Government would work more smoothly, but greater concessions would be obtained from the Natives with regard to lands than could be obtained by any measures passed by the Legislature. The noble Lord (Lord Lyttelton) said that no persons were more interested in a just settlement of these questions than the settlers themselves; but where individuals had an immediate interest in view they were not always able to form a calm judgment as to what was the best policy for the future. He hoped their Lordships would allow the Bill to be read a third time without further delay.

THE EARL OF DERBY said, that as his noble Friend (Lord Lyttelton) had referred to him, he had only to say in a few words that he felt himself more incompetent to give an opinion on the affairs of New Zealand than he did some time ago, because he had not so closely followed the circumstances of the colony. Looking, moreover, at the papers on the table, he found that there was no very recent correspondence between the Governor of New South Wales and the Colonial Office on the subject to enable him to form an opinion. Looking, however, at the self-apparent features of the case, he believed it was absolutely necessary that some control should be exercised over the local Legislature, because in reference to the views they would naturally take they could not be said to represent

the Natives in the colony—it might be said that the local Legislature had interests which were antagonistic to the interests of the Natives, and therefore the Government of this country should retain some control in their hands. He could not help saying, however, that the Bill contained elements of considerable danger, and he should have been better satisfied if the noble Earl the President of the Council had felt himself authorized to postpone the carrying of this measure to another Session. He thought that if official responsibility had rested upon him, he (the Earl of Derby) should not have taken the step adopted by the Government; but as he was imperfectly acquainted with the subject, and the extent of the real or probable danger against which the Government had to provide, he would not take the responsibility of advising the rejection of the Bill which the Government, with more information than he possessed, seemed to think necessary for the welfare of the colony, though he confessed he thought this a hazardous experiment.

On Question, That (“now”) stand Part of the Motion? *Resolved* in the *Affirmative*: Bill read 3^d accordingly and *passed*, and sent to the Commons.

House adjourned at Eight o’clock,
to Thursday next, half-past
Ten o’clock.

HOUSE OF COMMONS,

Tuesday, July 31, 1860.

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENT BILL. COMMITTEE.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER, in moving that the House should go into Committee on this Bill, said it was not intended to go forward with any part of the main substance of the Bill, but simply to retain a provision in favour of which there seemed to be a unanimous feeling in the House. He referred to the 4th Clause, which would somewhat enlarge the power of the Commissioners to make purchases and hold investments for the Savings Banks and Friendly Societies. At present they were entirely limited to purchases in the National Debt account; but there were certain stocks and securi-

The Earl of Derby

ties which were under the absolute guarantee of Parliament, just as much as was the National Debt of the country, and which at the same time, though they could not be uniformly held in any very large amounts, were more profitable investments than the securities that constituted the National Debt. The purpose of the 4th Clause, as he proposed to amend it, would be to give the Commissioners an uniform power of holding and dealing with all stocks under Parliamentary guarantee, and all stocks and securities, under whatever name, that constituted the National Debt. At present the Commissioners had power to hold terminable annuities, but they had no power to sell them. It was not supposed there would be much occasion for selling terminable annuities on a great scale; but there ought to be an uniformity of power with regard to all these securities, and accordingly this was provided for in the clause.

House in Committee.

MR. SOTHERON ESTCOURT expressed his satisfaction at the course taken by the right hon. Gentleman. He was glad to find that on both sides of the House there seemed to be a due sense of the importance of dealing with this subject. It was certainly most desirable that the law on the subject should not be left in its present uncertain state. Whenever the right hon. Gentleman the Chancellor of the Exchequer introduced a general measure on the subject it should receive from him his best attention.

Bill passed through Committee.

House resumed; Bill reported; as amended, to be considered on *Thursday*, and to be *printed* [Bill 302].

REFRESHMENT HOUSES AND WINE LICENCES (IRELAND) BILL. COMMITTEE.

Order for Committee read.

House in Committee.

Clause 6 (Who shall be deemed to keep a Refreshment House).

COLONEL DUNNE said, that great confusion and inconvenience had already arisen from the definition of the term “refreshment house” in the English Bill. It would be far better if the Government would adhere to the pledge they had given, namely, not to proceed with it any further this Session. He should not much object to the extension to Ireland of the English law with respect to the sale of wine; but by the 6th clause a tax would be imposed

upon great numbers of poor persons, who would obtain nothing whatever in return for their money. He begged, therefore, to move, after the word "buildings," in line 32, the insertion of the words, "which shall be over the value of ten pounds." As the clause stood, it should be remembered that it would impose a tax on those who merely sold food.

MR. AYRTON contended that the clause in this, as in the English Act, was only to apply to places of public resort and entertainment, such as Cremorne, or tea-gardens, and such places, where the proprietors were under a contract to the public, and not to persons keeping ordinary shops, and who were under no such contract with the public.

THE CHANCELLOR OF THE EXCHEQUER said, that no particular instructions had been given to the Commissioners of Excise in regard to this clause, because no difficulty had arisen upon the construction of it. If any difficulty should arise in respect to it, he should exercise the best of his judgment in giving the interpretation of it. He could not assent to the Amendment of the hon. and gallant Gentleman, because this being a provision of police and good order, it would not in his opinion be wise to make the exception which the Amendment proposed, which, if agreed to, would stultify the principle of the measure already assented to. He was, however, willing that the provisions of the Bill should not apply to any towns with a population under 10,000 inhabitants.

COLONEL DUNNE said, he was not aware that concession was offered, but as it quite met his objection he should leave the Amendment in the hands of the Representatives of the borough towns. He should not, however, withdraw the Amendment without the consent of those hon. Gentlemen.

COLONEL FRENCH complained, that while faith had been kept with Scotland, the promise not to extend the operation of the measure beyond England had been broken with regard to Ireland. He did not see why towns with above ten thousand inhabitants should be subject to the clause.

MR. AYRTON said, he could not see why a person who sold a bun after nine o'clock at night should be more subject to visits from the police than one who sold a mutton chop. The Commissioners of Excise had sent their agents to persons whom Parliament never intended to make liable to the law, and had endeavoured to intimi-

date them into taking out licences. He would, however, take another opportunity of bringing the subject under the notice of the House.

MR. HENNESSY said, that Ireland ought to feel indebted to the hon. and learned Gentleman for the interest he took in this question. There was no doubt but that this was a proposition to impose an additional tax upon the people of Ireland for the supervision of the police, in a manner that must prove most vexatious to the shopkeepers in that country.

MR. BLAKE said, that to impose a tax of 10s. 6d. on the class of small refreshment houses, which were not allowed to sell wine, would render a measure, in other respects popular, unpopular in Ireland. He hoped, therefore, the right hon. Gentleman would not press it.

Amendment *negatived*.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 34; Noes 24: Majority 10.

Clause *agreed to*.

Clause 7 *agreed to*.

Clause 8 (Wine Licences not to be granted for Refreshment Houses under a certain annual Value).

MR. DEASY moved to substitute the word "eight" for "ten" in line thirty-two. The object was to adopt the same principle as that acted upon in the English Bill, £8 being the Parliamentary franchise in Ireland.

MR. HENNESSY said, he should oppose the Amendment. He had himself intended to propose the substitution of "twenty" for "ten."

Clause *agreed to*.

Clauses 9 to 12 were *agreed to*.

Clause 13 (Notice of First Application for a Wine Licence for a Refreshment House to be given to Justices, who may object to the granting thereof on Ground stated).

COLONEL DUNNE objected to the machinery laid down for the procuring a licence, and argued in favour of adhering to the present mode of granting licences in Ireland. He disapproved the scheme for obtaining a licence from the supervisor, and saw no reason why different courses should be followed with regard to wine and spirits. He proposed the introduction of words to the effect that a certificate should be obtained from two justices of the peace approving the licence.

MR. BUTT said, that the principle of

the Bill was to encourage a taste for wine instead of spirits. The Amendment proposed, however, would have the effect of throwing unnecessary restrictions in the way of procuring licences for the sale of wines.

THE CHANCELLOR OF THE EXCHEQUER said, the Amendment went really to counteract the principle of the Bill, by confirming that disturbing power which the Bill was intended to abolish. Parliament had already decided, in the English Bill, that the principle of constituting magistrates judges as to the number of places in a district which should supply liquor was objectionable, and, as the Amendment would establish that principle with regard to Ireland, he could not accept it.

Question put, "That the words 'such requisition' stand part of the clause."

The Committee *divided*:—Ayes 62: Noes 14; Majority 48.

Clause *agreed to*.

Clause 14 (Sub-Constabulary Officer or Superintendent of Police may object to the granting of such Wine Licence).

MR. HENNESSY moved to strike out the words giving the magistrate power to inquire of a man applying for a licence, whether or not he belonged to an unlawful society.

MR. DEASY said, Clause 13 declared that no member of an unlawful society should have a licence, and this power of inquiry seemed to follow as a consequence.

MR. BUTT objected to the words of the clause, inasmuch as it would be difficult to prove the fact of a person belonging to an unlawful society, and the provision would give rise to suspicion, and probably to false information.

MR. DEASY said, he would consider the suggestion, and, if it were thought advisable, introduce it on the Report. In the meantime he would not further object to the Amendment.

Amendment *agreed to*.

Clause, as amended, *agreed to*; as were also Clauses 15 to 19.

Clause 20 (Constables and Police Officers empowered to visit licensed Refreshment Houses. Penalty for refusing them Admittance).

LORD FERMOY objected that the clause gave power to the police to enter a licensed house at any time, and that on their entrance being refused, a fine of £5 might be imposed for the first offence, and on the second the licence might be suspended for two years.

Mr. Butt

THE CHANCELLOR OF THE EXCHEQUER said, the entrance of the police would be confined to the hours intervening between nine at night and seven in the morning, that being the time which the licence would permit the House to be open, and he proposed words accordingly.

Amendment *agreed to*; Clause ordered to stand part of the Bill.

Clauses 21 to 36 inclusive, *agreed to*.

House resumed; Committee report Progress; to sit again *this day*.

THE CLIVE FUND.—QUESTION.

LORD ROBERT MONTAGU, in the absence of Mr. TORRENS, said, he would beg to ask the Secretary of State for India, Whether any application or claim has been preferred by the heirs and successors of Lord Clive for the capital of the Fund assigned by Lord Clive as a provision for invalid and disabled officers and soldiers of the East India Company's Army, and for widows and orphans of officers and men of that army, on the ground that the Fund was assigned only so long as the East India Company had an army; and, in the event of such a claim having been preferred, whether the Secretary of State has any objection to lay all Correspondence on the subject before the House?

SIR CHARLES WOOD said, that such an application had been made by the representatives of Lord Clive, in consequence, not of the abolition of the Indian army, but of the transfer of the Government of India to the Crown. He had no objection to the production of the correspondence.

EUROPEAN FORCES (INDIA) BILL.

CONSIDERATION.

VISCOUNT PALMERSTON moved that the Notices of Motion be postponed until after the Order of the Day for the consideration of the European Forces (India) Bill as amended in the Committee.

Ordered,

"That the Notices of Motions be postponed, until after the Order of the Day for the consideration of the European Forces (India) Bill, as amended in the Committee."

Bill, as amended, *considered*; to be read 3^o on *Friday*.

VOLUNTEER CORPS (IRELAND)

LEAVE.

COLONEL FRENCH said, he rose to move for leave to introduce a Bill to ex-

tend to Ireland all powers to make rules and regulations for the enrolment and organization of Volunteer Corps, which were now by law applicable to Great Britain. The noble Lord at the head of the Government had already, he regretted to say, expressed his intention to oppose any attempt to raise Volunteer Corps in Ireland; but he had also, in the course of an eloquent speech at a dinner at the Mansion House, pronounced a warm eulogy in favour of the Volunteer movement. How the noble Lord could reconcile that speech with the course the Government had announced their intention to adopt on the subject of Volunteer Corps for Ireland, he was unable to understand. Would the noble Lord take upon himself the responsibility of refusing the aid of 50,000 Irish Volunteers, as efficient for Her Majesty's service as any of the Volunteers embodied in this country or in Scotland? It was clear, from the noble Lord calling on the House to vote £9,000,000 for fortifications, that the noble Lord did not consider the possibility of an invasion a matter to be disregarded; but, while Plymouth, Portsmouth, Dover, the Thames, and other places were to be fortified, the noble Lord proposed to leave Ireland perfectly defenceless; though during the last great war Ireland was three times invaded by the French, at Carrickfergus, at Bantry, and at Killala. In the event of the invasion of England, every soldier would be withdrawn from Ireland, in order to defend this country; and probably the Irish Constabulary, which was paid out of the Consolidated Fund, would be withdrawn also. All that Ireland would then have to depend upon would be the services of 40,000 disembodied Militia; but if Ireland were also allowed to have the services of 50,000 Volunteers, she, with such a force, fighting for their homes, their wives, and children, would be able to repel any army which the French, or any other Continental nation, could send to those shores; and if a foreign army succeeded even in effecting a landing, but few of the men would return to their own country to tell the tale. Every difficulty had been thrown in the way of the formation of Irish Volunteer Corps; and he believed that the same difficulties would have been opposed in England to the Volunteer Movement, if they could have been ventured on; and it certainly was not owing to any fostering care on the part of the Government that that movement had succeeded. At a meeting lately held in Dublin a resolution was una-

nimously passed, to the effect that the enrolment of a Volunteer force was as essential in Ireland as in Great Britain; and that the refusal or delay to assimilate the law of the two countries on this subject, excited jealousy where union should prevail, and was unconstitutional; and the meeting pledged itself neither at present, nor at any future time, to permit the Volunteer Movement in Ireland to partake of a party or sectarian character. How long, he asked, was this system of insult to Ireland to continue; and how long were Continental nations to be told that Ireland was the weakest part of the Queen's dominions, and that the people of that country could not be trusted with arms? He believed the statement to be totally destitute of foundation; and that there was no part of the Queen's dominions where an invasion would be more strenuously repelled than in Ireland. Was this policy of setting classes and creeds against each other to be continued? The noble Lord at the head of the Government recently alluded to the collision which took place near Lurgan; but let the blame be placed in the proper quarter, on the policy of the English Government towards Ireland, a policy disgraceful to the one and degrading to the other. He might here relate an anecdote respecting two Irish gentlemen—one a Catholic, and the other an Orangeman—who travelled pleasantly together abroad for some days. On the Catholic learning that his companion was an Orangeman, he expressed his surprise, saying, "I always thought you Orangemen were ready to cut our throats." The Orangeman replied, "That is because we believe you are always going to do the same with us,"—a state of feeling which the conduct of the English executive Government goes far to perpetuate. He (Colonel French) proposed that there should be an assimilation of the law of England and Ireland; and that power should be taken to make rules and regulations for the formation of Volunteer Corps in Ireland. He was assured by high legal authority that no Act of Parliament was required for this purpose, and that the Queen, by the common law, had the power to accept the services of her subjects in Ireland, under such stipulations as she chose to establish. Nevertheless, he should ask for leave to introduce a Bill with the object he had mentioned. It was said that it would be dangerous to leave arms in the hands of the Volunteers. But the rifles were not left in the hands of the

English Volunteers; they were deposited in depôts, and were only taken out when required for purposes of drill. If his noble Friend would only, as a novelty, try a policy of confidence in Ireland, he would certainly find it answer. At present, the Chief Secretary, from his associations and short experience of the country, could have but little knowledge of the Roman Catholics in Ireland; whilst the latter were shut out altogether from the civil and military Government of the country. If the noble Lord at the head of the Government thought they were going to stand that much longer, he would find out his mistake. Already the separation between the Irish party and the present Government was becoming visible. Unless the noble Lord altered his policy, an Irish Liberal Member sitting on his side of the House would become a *rara avis*. There was an inkling in some quarters that the Earl of Derby's Government was not such a terrible thing, after all, for Ireland. For the purpose of promoting confidence, bringing together Catholic and Protestant, of preserving life and property in Ireland, and enabling her to assist England in repelling invasion, he hoped the House would give him leave to introduce the Bill.

MR. CARDWELL said, he did not think the House would consider it expedient or judicious to accede to the Motion, nor would it, in his opinion, give general satisfaction even in Ireland if Volunteer corps were organized there. His hon. Friend proposed to assimilate the law of the two countries, and afterwards leave it optional with the Government to carry the laws when assimilated into force and institute these corps; but that was not a position which could be laid down with propriety in the present instance. Had the law been originally the same, it might indeed have been left to the Executive to make a different application of it to different parts of the country, according to the circumstances of the case. But, if the Government were to encourage his hon. Friend to bring in a measure changing the law in Ireland as it had existed from the Peace of Amiens down to the present time, the necessary inference in the public mind would be that they intended to act immediately upon the law so altered, and, in fact, it would almost amount to an engagement to do so. Now, he did not think it would be right to take such a step at the present moment; and the ground upon which the government arrived at that conclusion had been frequently

stated. They had not the slightest doubt that it would be possible to obtain in Ireland at the shortest notice as large a body of men devoted to their sovereign and their country as any Government could desire, and they believed the members of both Churches alike would present themselves with that object. Experience justified such an expectation. It was true that at the close of the last century a demonstration of this kind had, in its result, proved in some respects unsatisfactory, yet it was gratifying to find, from the historians of the time, that the moment there was any real apprehension of invasion all party animosities ceased, and though the Catholics were then prevented from bearing arms, they came forward with their subscriptions in order to raise a national force for the defence of Ireland. If that was the case, then the same feeling might, with far more confidence, be expected now. But, though no one need distrust the loyalty of Ireland, it could not be denied that there were other important considerations which it was necessary to bear in mind. What would be the consequence in a domestic point of view of arming large numbers of people in the sister country? The hon. Gentleman said it would bring together Catholic and Protestant. But would it bring them together in such a way as to promote harmony, or the opposite of harmony? In former times it had been found that great danger attended the possession of arms by those who, not being animated by the best feelings towards each other, perhaps, at any time, were carried away by some momentary excitement, and, as we had recently seen, were then liable to become enemies instead of friends. This was a result which of all others the Government ought most to deprecate and to guard against. The great town of Belfast was at this moment subject to proclamation under the Peace Preservation Act, because, after the party strife which had unhappily arisen there, the rival parties began to form themselves into rival gun-clubs, which led to the most serious apprehensions lest the peace should be broken. It was on account of these occasional and transient animosities existing in some parts of Ireland that the Government hesitated to call upon the loyalty of the people, in which they had as much confidence as in the loyalty of other parts of the Queen's dominions. He believed that this decision gave general satisfaction in Ireland, because it was a fact that, notwithstanding the

Colonel French

desire of the Irish people to rally round the Throne, the number of applications for the formation of Volunteer corps had been very small since the determination of the Government not to organize those corps. The evidence of public feeling referred to by his hon. Friend was not such as would induce the House to take a forward step in this direction. He repeated that the Government entertained no doubt that, should an emergency arise, Irishmen would display conspicuous devotion to the Throne, but they were of opinion that in the present circumstances of Ireland the possession of arms by large masses of the people would be undesirable. Whenever invasion appeared imminent they were satisfied that Irishmen would come forward for the protection of their coasts in such a way as would make it unnecessary to take these steps in advance, and, on the whole, they felt they would be acting most wisely for the interests of the country, and most in accordance with matured public opinion in Ireland itself, by refusing their support to the Motion.

MR. MAGUIRE: Now, Sir, I would like to know whether there is a single Irish Member in the House who is satisfied with the answer given by the right hon. Gentleman? In this House we are accustomed to a certain style of conventional phraseology, and we are often compelled to receive, as valid and sufficient, excuses which are flimsy and illusory. But anything so shallow, so barefaced, anything, in fact, so nearly bordering upon palpable humbug, as the speech of the right hon. Gentleman, I confess I have never heard. The right hon. Gentleman has referred to the events of 1798, and stated that at that period, when there was an alarm of invasion, Irishmen rallied round their Sovereign. I ask, Sir, is there an Englishman who can reflect without a blush—provided he has the faculty of blushing—on the condition in which Ireland was left a few years previous to that eventful time. In the year 1782, the whole defensive means vouchsafed by England and Ireland, against a foreign invasion, consisted of half a troop of horse and a company of invalids. No doubt, the spirit of Ireland rose with the emergency, and as gallant an army, entirely composed of volunteers, soon arose in Ireland as ever stood in armed strength upon the soil of any country in the world. But, perhaps, on looking back to what happened afterwards, mainly through the instrumentality of that native army, the right

hon. Gentleman is apprehensive of what might again happen under similar circumstances. The Irish Secretary, speaking in the name of his Government, declares that they would only call upon Irishmen to come forward in defence of their country in case there was any real apprehension of danger. But, if there be no real apprehension of danger, such as would justify the Government in calling on Irishmen to arm, why is it, I should like to know, the noble Lord calls upon the overburthened taxpayers of the Empire for a sum of £12,000,000—it really may mean £22,000,000—for national defences? Will the noble Lord answer this question now, or when he is next making the proposal to this House? Against whom or what is the country to defend itself? Why is England to fortify her shores? Whence is she menaced by danger? If there is no danger, there need be no additional defences; but if England is really menaced, is not Ireland also in danger? We all know that the speech of the noble Lord shadowed forth danger from France; but for the Government, at one moment, to say that there is danger of invasion, and then to say at another that there is no danger whatever, involves a monstrous absurdity. After the declaration of the Secretary for Ireland, I cannot see how any representative of the taxpayers of this country, who have already been asked for more than £30,000,000 for naval and military defences, can vote for the proposition of the noble Lord,—for the Government publicly proclaim that no real cause for apprehension exists. But is there any danger? We must suppose that there is; or, if not, then this House has been practically legislating under false pretences for the whole of this Session—from the delivery of the Speech from the Throne, to the demand made by the noble Lord at the head of Her Majesty's Government. If there is danger, then, Sir, I must ask the question—is Ireland really a portion of a common empire, or is she not? If she is not, then I can understand the policy of the Government; but if it be said she is, how is it possible to account for it? I confess I am at a loss to reconcile the statement of this evening with what we have been doing for this long Session; because if there is no danger for Ireland, and that she does not stand in need of a volunteer force, why is it that we have heard an appeal in favour of increased national defences? Sir, I believe there is danger, and I ask, why is Ireland

left unprepared, while England is preparing for defence? The right hon. Gentleman appeals to the past; but is there any possible analogy between the circumstances of the present time and those of the period to which he refers? If steam power had been employed some sixty years ago for the propulsion of vessels of war, Ireland might at the present day be under French rule. In former times, a contrary wind was sufficient to baffle the best-laid schemes of an attacking force, and a single storm scattered the mightiest armament ever prepared by the genius or power of an invader. But what is the case in these times? There is scarcely a miserable cockle-shell of a packet boat plying between the coast of France and the coast of England that cannot calculate her arrival to a quarter of an hour, and it rarely happens that any one of those vessels is an hour behind her regular time. A steam fleet might now reach the shores of Ireland at any point, or at any time, arranged by the invader. Does the right hon. Gentleman mean to wait for a sudden danger, and then leave the Irish people unprepared to meet it? Is there any such peculiar aptitude for arms in the Irish people, that they could be expected to repel an invading force, without ever having been taught the use of a musket or a rifle, without once having fired at a mark, or even having acquired the mysteries of the "goose step"—an accomplishment jealously reserved for England? If Ireland is expected to repel an invader, her people must be taught the use of arms in time. My hon. and gallant Friend said that 50,000 volunteers would make short work of any hostile force that could land in Ireland. That, no doubt, is my hon. and gallant Friend's opinion; but notwithstanding my own favourable estimate of the valour of my countrymen, I fear there is somewhat of "bounce" in his statement. The fact is, the people of Ireland must be regularly trained to the use of arms, and if they are expected to resist the invader, they should be well practised in the use of the necessary weapons of defence; and it will not do when perhaps the smoke from a French fleet is darkening the harbours of Ireland, for a Government to send them a telegram from London, telling them to defend themselves. The policy of the Government towards Ireland is a bad policy. It is a policy of suspicion, and not of confidence. It is practically saying to the people of that country—"We don't care about you;

Mr. Maguire

we distrust you; we will not give to you that which implies trust or confidence—the right to bear arms for your defence." It is not the way to make Ireland loyal and devoted to the institutions of this country, by withholding this proof of confidence from them, and debarring them from the privileges of their English fellow-subjects. The Government may affect to say "Oh, we have no doubt whatever of your loyalty; we have the most profound reverence for it; we implicitly believe in it." But, Sir, does this impose upon a single human being? No; for notwithstanding your trust and confidence in their loyalty and attachment, you refuse them arms. The reason assigned for this refusal is, that an occasional squabble or conflict takes place between bodies of Orangemen and angry Catholic mobs. But whose fault is it if such scenes occur? If bad blood exists in Ireland, the Government are responsible for its existence. The same power which put down the Ribbon confederacy could and ought to put down the Orange association. The Orange confederacy is as injurious to the interests of the country and as fatal to its peace, as the other; and every man who really wishes to see all classes in Ireland live together in peace and harmony desires to see the Orange Society put down for ever—crushed to the earth by the force and power of the law. I do believe that the formation of Volunteer corps would promote amity and good feeling among all classes, because all classes would thus be associated for a common object and purpose; and, moreover, those who were banded together for the defence of their country against foreign aggression, would prove the best protectors of order and the public peace at home. However, I do not ask the noble Lord to permit the formation of those corps; I leave it entirely to the noble Lord's sense of responsibility, whether he will permit them or not. But I warn him that his policy, in persistently refusing to permit their formation, is unwise and short-sighted. I know my country well, and I know the feeling which such a policy has created, and is certain to strengthen. Shall I tell the House the real truth? If so, then I must say that, after the statements of the noble Lord and the right hon. Gentleman, if the French were to land on the shores of Ireland to-morrow, a vast proportion of the population would not meet them as foes. Is this, I ask, a feeling which it is wise to encourage? I

tell the noble Lord he is adopting an unwise course in proclaiming to the people of Ireland that he will not allow them to adopt means for their own defence, while at the same time he is demanding an enormous additional sum for the coast defences of England. Might it not be a more prudent course for an unarmed people to yield without a bootless struggle to their fate, than to entail upon themselves all the horrors and miseries consequent upon an unequal resistance? The noble Lord who represents his Sovereign at this moment in Ireland, has just been attending a great cattle show, where he met a large number of persons at dinner, from whom he heard loyal speeches, and with whom he drank loyal toasts in loyal wine; and no doubt that noble Lord will communicate to the Government what he saw and heard as a true representation of the feelings of Ireland. But will that noble Lord venture to rise up in any great assembly of Irishmen, and tell them that they were not fit to be trusted with arms for the defence of their country? Sir, the Government cannot be surprised if their repeated declarations excite a feeling of disaffection in the minds of the great mass of the Irish people. I repeat, I do not advise the noble Lord at the head of the Government to accede to the Motion of my hon. and gallant Friend; that I leave altogether to his own discretion. I do, Sir, however, protest against the insult and mockery of the miserable answer vouchsafed, on the part of his colleagues, by the Secretary for Ireland; which simply means this—that no matter what emergency may arise, no matter what danger may menace, Ireland is to be left in her present unprotected and helpless condition, while all the care, all the solicitude, and all the expenditure—raised, too, from a common empire—are to be devoted by an unwise Government to the protection and defence of the selfish interests of England.

VISCOUNT PALMERSTON: Sir, I cannot say that either the hon. and gallant Gentleman who made this Motion or the hon. Member who has just sat down has held out any great encouragement to induce us to depart from the line of policy declared by my right hon. Friend. My hon. and gallant Friend, wishing to convince the House that there is no possible chance of danger of any hostile collision between various sections in Ireland, gave us an anecdote by way of illustration. He said that two Irish gentlemen were

travelling together for three weeks upon the most agreeable and confidential footing, but one of them happened one fine morning to make the discovery that the other was an Orangeman, upon which he said, "You an Orangeman! I should never have guessed it. I always thought Orangemen were ready to cut our throats." "But," said the other, "that is only because we think you are ready to cut our throats." Now, if the two great classes of Irishmen had lived together for three weeks—[Colonel FRENCH: I did not say for three weeks]—well, for any time, upon the same agreeable terms of companionship as the individuals referred to by my hon. and gallant Friend, and thus each class had got their minds disabused of the notion that the other class wanted, metaphorically I hope only, to cut their throats, then the policy of my right hon. Friend might be open to question and the danger be deemed chimerical. But as long as there exists, as my hon. and gallant Friend admits there does exist, a feeling of mutual distrust between the two classes, I do not think it would be useful or advisable to follow the recommendation of the hon. and gallant Gentleman, and place arms in the hands of those who entertain the feelings of jealous animosity which are sufficiently indicated in the anecdote he has narrated to us. Then comes the hon. Member for Dungarvan (Mr. Maguire), and he goes further, for he says that if the French were to land to-morrow, the majority of the Irish nation would meet them not as foes. He went still further; his imagination led him on, and—I believe that it is only his imagination—he said in a few sentences further, the great bulk of the Irish population are disaffected towards the British Government. Those are strange assertions to make with a view to encourage the Government to organize the Irish in a military body. But I do not believe those assertions. The hon. Member says he knows Ireland better than we do, but in this respect at least, I venture to say, we know Ireland better than he does. It often happens that those who are a little removed from an object see it rather more plainly and more distinctly than those who are in immediate contact with it. The hon. Gentleman may be influenced by local party feelings, in which he does not share, but which have come to his knowledge, and he may generalize erroneously upon some particular instance; but I utterly deny, on

the part of the Irish people, the aspersions — for really such they are — which the hon. Member, in his zeal and in the heat of oratorical display, has cast upon them. The hon. Gentleman has also very much misrepresented the state of things in Ireland. He paid a great compliment to the powers of speech of myself and my right hon. Friend when he ascribed the supposed disaffection of the great mass of the population of Ireland to a speech I made about a week ago, and to a speech which my right hon. Friend has made this evening. He says that these speeches have had the wonderful effect of converting a loyal into a disloyal population, and rendering the bulk of the people of Ireland disaffected towards the British Government and the British Throne. The way in which, according to the hon. Gentleman, this feeling has been infused into the minds of Irishmen, is, that it was proved by what I said that in the event of an invasion they were to be left defenceless and unprotected, and that they would be left, therefore, to the choice either of submitting to the evils of a hopeless resistance, or of bowing their necks to the invader. But is Ireland in that unprotected state? In the first place, in time of peace there are 30,000 regular troops there; and, so far from our showing any distrust of the Irish people, there is an organized Militia of 30,000 more. There are, therefore, 60,000 armed and trained men in Ireland at the outset of a war to oppose to any enemy that may invade its shores. I think that, with 60,000 good troops in Ireland, it is rather a stretch of fancy on the part of the hon. Gentleman to say that Ireland is totally unprotected and incapable of resistance. There would also be 80,000 Militia in England and 20,000 Militia in Scotland, and if there were any prospect of Ireland being the object of attack a considerable portion of them might be sent across the Channel. A force of regular troops might also be sent from England; therefore, the hon. Gentleman is as much mistaken as to the amount of defensive force applicable to the protection of Ireland in the event of invasion, as I am confident he is in his description of the feelings of the Irish people. I can only say that the reasons alleged by my right hon. Friend for declining at present to accept the powers which the hon. and gallant Gentleman is disposed to give are, in my opinion, perfectly sufficient, and I am content to rest

Viscount Palmerston

upon the arguments he has used as to the decision we should come to on the Motion of my hon. and gallant Friend.

MR. POLLARD-URQUHART observed that he could not help expressing his regret at the course taken by the Government. The speech of the right hon. Gentleman was only calculated to excite distrust. What would be thought if the Government would not allow the Volunteer corps to be formed in Oxford or Cambridge because town-and-gown rows sometimes occurred? There was no better reason for preventing the formation of Volunteer corps in Ireland.

COLONEL DUNNE said, he agreed with what had been said by the noble Viscount as to the loyalty of the Irish people; but he could not agree with the right hon. Gentleman (Mr. Cardwell) in the opinion that, because a squabble broke out now and then, the people of Ireland could not be trusted with the defence of their country. These squabbles were confined to a few localities. No doubt, the real reason for not arming the people of Ireland was a distrust on the part not only of the present Government, but also of former Governments. But in that case it would be better to speak plainly, and say so. What was the state of Ireland? There was hardly any crime in the country. There might be reasons known to the Government which induced them to oppose the extension of the Volunteer system to Ireland. But in that case the responsibility ought exclusively to rest with them. The noble Viscount said there were 30,000 regular troops in Ireland. But would he assure the people of Ireland that none of those troops should be withdrawn if war broke out? As to the 30,000 Militia, they were not trusted with the custody of their own arms. The Government must be left to explain their distrust and settle their refusal with the people of Ireland.

MR. HADFIELD said, that the present prosperity of Ireland was a very good guarantee for her loyalty and attachment to this country. It was admitted that this prosperity was almost unprecedented, and he believed that the time had come when the people of Ireland might be trusted. Irishmen might look all round the world and not find a monarch so worthy of their loyalty and attachment as the Sovereign of this country. If the hon. and gallant Gentleman divided the House he would vote with him.

LORD ASHLEY said, that he felt inclined to support the Motion of the hon.

and gallant Gentleman on the good broad principle that if you wanted to make a man worthy of confidence you must put confidence in him. If a husband were uncomfortably jealous, a wife sometimes gave him cause for it, and that was the case in the present instance. He believed that the formation of Volunteer corps would have the effect of modifying and removing the animosity of party feeling in Ireland. He had the honour to hold a commission in the London Irish Volunteer corps. It contained men of every shade of political and religious opinion, but the effect of wearing the Queen's livery was to banish sectarian jealousy, and enable the members of the corps to live in harmony together. Since the Government, however, with their means of information, declined to encourage the Volunteer system in Ireland, he would advise his hon. and gallant Friend not to divide the House. Before next Session the Government would have ample time to reconsider the decision. Let Irish Members tell their countrymen to be "good boys" until Parliament met again, and then, if they behaved themselves, they would be more worthy of confidence by the time Parliament again assembled.

Motion made, and Question put,

"That leave be given to bring in a Bill to extend to Ireland all powers to make rules and regulations for the enrolment and organization of Volunteer Corps which are now by Law applicable to Great Britain."

The House *divided*:—Ayes 30; Noes 86: Majority 56.

BUSINESS OF THE HOUSE.

RESOLUTION.

MR. W. EWART said, that he rose to move certain Resolutions with respect to the conduct of the business of the House. Every hon. Member, he was sure, must take an interest at all times in the conduct of the business of the House of Commons, and if ever there was a time when the people of this country looked with anxiety upon the conduct of public business in that House, it was at the present moment. He should, however, abstain from proposing any sweeping changes, and confine himself to the suggestion of a few practical reforms which he believed would expedite the business of the House, and diminish the evils which resulted from the present system of late hours. It had been suggested that private Bills should be disposed of by a body of a more judicial constitution. But if he could choose his

own Amendments he should be strongly inclined to revert to the simplicity of former times. Why should not that House sit in the daytime? Six or seven hours a day steadily devoted to the business of the country would give much more satisfactory results than did the protracted hours through which they were now in the habit of sitting, when hon. Member after hon. Member rose to vex the drowsy ear of night with long-winded speeches. The present system was one, not of economy, but of prodigality of time. Of the Resolutions which he should propose, that to which he attached most value was the last—namely, that in the interval between this and the next Session of Parliament the Government should consider this important subject, in order that any Resolutions at which they might arrive should be submitted to a Select Committee. It had often been suggested that, in order to avoid the frequent divisions upon adjournments which sometimes occurred, the House should adopt the plan of closing the debate upon a question to that effect, which formerly prevailed in France, and now to a certain extent obtained in America. He had included such a proposition among his Resolutions, but, as there appeared to be a great diversity of opinion upon the subject, he should not press the House to adopt it. The principle of a Bill was frequently discussed on the introduction of the measure, on the second reading, and on going into Committee, and even in Committee. What he proposed was that there should be only one discussion upon it, and that on other occasions the Speaker or the Chairman of Committee should stop any hon. Member who travelled from the details into the principle of the Bill. When Supply was coming on the paper was almost always crowded with notices to anticipate the House going into Committee. Supply was the very source and fountain of the power of that House, and ought not, in his opinion, to be so dealt with. It was right that some allowance should be made to hon. Members who wished to bring on other subjects before Supply, but their power to do so ought not to be unlimited, and he therefore proposed that if such a discussion was not concluded by 8 o'clock the debate should be postponed, and the House should at that hour at once go into Committee. He had often observed that during the first two or three weeks of a Session no business at all was done, and he therefore proposed that Government Bills

should be introduced, and, as far as possible, proceeded with, early in the Session. Had such a course been adopted with regard to the Bankruptcy Bill, the loss of which he deeply regretted, it might now have been the law of the land. The next proposal was in accordance with one which had been made in "another place,"—that Bills which had reached a certain stage in one Session should be resumed at the same stage in the next. He believed that much mischief was caused by the late hours to which the House sat, and he thought it would be desirable that no new or opposed business should be proceeded with after twelve o'clock. Such a rule existed during the Ministry of Sir Robert Peel, and was practically followed while the right hon. Gentleman opposite was leader of the House. It would economize both time and the health of Members if that rule were generally adhered to. His main proposition, however, was that which bound the Government to consider the subject, and to submit such opinions as they might have formed to be deliberated upon by a Select Committee in the ensuing Session of Parliament. The questions were worthy the consideration of a Parliamentary Government, and he trusted the House would at least display some vigour in endeavouring to amend their rules for the conduct of public business. He therefore submitted the Resolutions with full confidence to the consideration of the House and the Government.

MR. HADFIELD seconded the Motion.

Motion made, and Question proposed,

"That the discussion on the principle of a Bill be confined to the time of its introduction and Second or Third Reading; and that the Speaker (or Chairman in Committee) do enforce such rule."

SIR GEORGE LEWIS: Nothing can be more true than what the hon. Member stated, that the character of this House and its reputation in the country must in the end depend upon the manner in which it transacts its business, and that, therefore, every hon. Member has a personal interest in establishing and maintaining rules for the efficient conduct of our business. It is not a question in which the Government have a peculiar interest; it is the common interest of the whole House. Perhaps it would be a curious matter of calculation to ascertain how much time is lost during a Session in discussions as to the time when measures are to be brought on. Everybody must know that sometimes there are complaints that measures are brought on too

soon, that there is not sufficient information laid before the House, and that hours upon hours are lost before the House will consent even to consider a Bill. Again, when a measure is brought on, there are perpetual attempts to obstruct its progress by moving adjournments, by proposing further inquiry, and by complaints that papers in sufficient quantity have not been laid on the table. In that manner a considerable portion of most precious time is occupied, not in discussing measures, but in discussing when we should discuss them. It is quite impossible, I am aware, that we should lay down, as Courts of Justice lay down, an inflexible rule that when a case is called on it shall be proceeded with. We cannot impose an equally stringent rule upon the Members of this House; but I think we must all see that the very essence of the decisions of this Assembly is that the voice of the majority should prevail; that, while we establish safeguards against coercing a minority and proceeding too precipitately to a decision, it is absolutely necessary, in order to maintain the freedom of our discussions, that the voice of the majority should ultimately prevail over the minority. It would be advisable that from time to time a Committee should be appointed to consider whether any improvements could be made in our rules with respect to the transaction of business. A considerable period has elapsed since such a Committee sat. The last time there was such a Committee various wholesome improvements were suggested and acted upon, and I think that at the beginning of next Session a Committee of that sort might be appointed with great advantage. In the meanwhile it would be, perhaps, useless to occupy the time of the House in discussing the propositions of the hon. Member for Dumfries. I understood that he wishes by his first Resolution to exclude the discussion of the principle of a Bill upon the question of the Speaker leaving the Chair, and I gathered from his speech that, in point of fact, he thinks there should be only one discussion on the principle of a measure. That is one of those questions upon which it is difficult to lay down an inflexible rule. Great loss of time is occasioned by a perpetual recurrence in Committee to the principle of a measure; but, on the other hand, if from any accident there has been no sufficient discussion upon the second reading, it is often convenient to be able to discuss the principle upon the Motion for going into Committee, and, at

Mr. W. Ewart

any rate, I think it would be difficult to lay down any absolute rule on that point. In his second Resolution the hon. Member has overlooked the case of the Motion for going into Committee of Supply being made after 8 o'clock, which I am afraid is not a very unusual occurrence now-a-days. If the Resolution were carried as it stands, it would apply to 8 o'clock in the morning and not 8 o'clock in the evening. With respect to public Bills being proceeded with at the stage at which they left off in the previous Session, that is a change which I confess, for one, I should see with great satisfaction. It would lead to a considerable saving of the public time. I am aware there is some difference of opinion on the point, and the proposed alteration could not be carried into effect, at least as respects both Houses, without the passing of a Bill. The next proposition is, "that Bills introduced by the Government be as far as is practicable brought on and proceeded with early in the Session." Hitherto the rule has always been enforced that there should be only two Government nights before Easter. One of these has to a great extent been occupied by Motions upon the adjournment until Monday. That, I hope, will be rectified by the new Standing Order, that the Government night shall be Thursday instead of Friday. But the two Government nights before Easter are often occupied by Estimates, and upon going into Committee of Supply very often half the night is consumed by other Motions. It is, therefore, not easy for the Government to make great progress with their Bills before Easter. With respect to the consideration of this subject by the Government during the recess, that, of course, is easily effected, but the great difficulty is when propositions are made to induce the House to adopt them. I hope, however, that if a Committee be appointed early next Session, they will be able to suggest some practical means for effecting an object which all must desire to see accomplished.

MR. NEWDEGATE said, the hon. Member for Dumfries (Mr. Ewart) entertained the belief that it was necessary to establish a limit to their proceeding after a certain hour of the night, he (Mr. Newdegate) had previously urged the necessity for a similar limitation; he had proposed a limit after one in the morning. Hon. Members would forgive him for reminding them that one of the best rules would be that Government business only should be

taken on Government nights and should be strictly adhered to. The attempt to advance the Bills of private Members on Government nights, necessarily at late hours and in thin houses, frequently led to minorities being forced to use the forms of the House—which, though often abused were, after all, the great protection for freedom of discussion and the protection of the country against hasty and bad legislation. He quite agreed with the two last suggestions of the hon. Member, as he believed that a great deal depended upon the Government introducing their measures earlier in the Session. If it were found that two nights a week before Easter were not sufficient for the Government business he thought that the House would be more likely to consider the propriety of granting the Government more days by being early informed of what Bills the Government proposed. No more important Committee had ever sat on this subject than that of 1848, on which Sir Robert Peel served, and before which M. Guizot, as to the practice in France, and Mr. Curtis, as to the practice in America, gave evidence. That Committee strongly recommended the Government to consider it an important part of their functions to use their influence in regulating the business and proceedings of the House, and he (Mr. Newdegate) believed that they could not better use their power than by adhering to the determination not to allow private Members to usurp the nights allotted to Government business, and, above all by the earlier introduction of such business as they intended to submit to the judgment of Parliament during the Session.

MR. W. WILLIAMS said, he had never known the public business of the House conducted in so unsatisfactory a manner as it had been during the present Session. Hon. Members were called on to assemble at noon, and to continue sitting till 2, 3, and 4 o'clock in the morning; and, after all, there was no time properly to examine the great measures before the House. Consequently a great portion of one Session after another was occupied in amending Bills passed in the antecedent Session. It was the end of July and the Miscellaneous Estimates were scarcely commenced. There was a period when the Government agreed to the principle which the late Mr. Brotherton insisted upon, that no new business should be brought forward after 12 o'clock at night, and then time was not wasted, as it had

been in the present Session, by sittings continued until 2 or 3 o'clock in the morning. He entirely concurred in the Motion of the hon. Member for Dumfries. The House had been sitting for six months, and what had it to show for its labours except some important measures brought forward by the right hon. Gentleman the Chancellor of the Exchequer? He often felt for the drudgery which Mr. Speaker was called on to undergo, and the noble Lord at the head of the Government exhibited an extraordinary example of industry by sitting in the House till the latest hour. What was wanted, however, was not mere drudgery, but that the business of the country should be conducted on rational principles.

MR. HADFIELD said, he regretted as much as any one the great waste of time which had taken place in the conduct of business. There were certain constitutional rules which should be respected, such as that the statement of grievances should precede the grant of Supplies, but there were besides such a variety of means of throwing dust in the eyes of the House that the House really could not get on with its business. The statement made yesterday by the noble Lord at the head of the Government would be sympathised in by the whole country. Justice was really not done to the Executive Government for their endeavours to carry on the business, and they were literally prevented from passing great measures by the course of proceedings adopted. He thought the suggestion thrown out by the Secretary of State, respecting a Committee sitting from time to time, of great importance, and he implored the noble Lord at the head of the Government to recommend, with his great influence, some mode of conducting the business of the House which would be satisfactory to the country.

LORD HOTHAM said, he felt bound to declare, though no one was more convinced than himself of the great waste of time which constantly took place in that House, that he should witness with great regret any curtailment of those opportunities for discussion which any hon. Member might think it his duty to avail himself of. It must be recollected that the frequent opportunities for discussion, to which allusion had been made, were intended principally for the protection of Members sitting on the Opposition side of the House; and, though it did not now seem likely that a necessity would occur for the use of these opportunities, still there was no knowing

how soon an altered state of things might arise. He should, therefore, be sorry to give up those opportunities, either for discussion, or even for impeding the progress of public business, should a sense of public duty compel hon. Members, under peculiar circumstances, to resort to them. He doubted, too, whether any regulations which might be made would not be easily evaded, and he thought it would be better if the House could be prevailed on to return a little more to what used to be the custom for many years after the period when he first sat in Parliament. There now existed a system of constantly adjourning debates, and with what result? Simply this, that there never was the same audience on two nights, and the House, on every night after the first night's discussion, was almost empty for three or four hours while Members went away to dinner. Such a state of things was most discreditable, and must strike with astonishment the strangers who were permitted to be present to hear the debates. The result of this system of constantly adjourning debates was not to bring fresh light on the discussion, but to give, night after night, an opportunity for prepared speeches to be made by hon. Members, who, perhaps, never heard a word of the first discussion, and who, the moment after making their speeches, went away, and were seen no more until the division. Formerly, no hon. Member thought of speaking on an important question without listening to the debate upon it, or of making an attack on the conduct of any one without waiting to hear his reply. Now everything was changed in that respect. He believed that if hon. Members could only be convinced that these adjournments of debates only wasted time, and could be induced not to speak except when absolutely necessary, it would tend more to remedy the inconvenience now experienced than any compulsory rules such as were now proposed. He thought some alteration in the mode of managing the business was absolutely necessary, and he would not object to the proposition of the right hon. Secretary of State for a Committee, though he doubted whether it would be the means of introducing an efficacious remedy.

Motion, by leave, *withdrawn*.

Notice taken that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a quarter before Nine o'clock.

Mr. W. Williams

HOUSE OF COMMONS,

*Wednesday, August 1, 1860.*MINUTES.] PUBLIC BILLS. — 1^o Stamp Duties (No. 2).ATTORNEYS, SOLICITORS, PROCTORS,
AND CERTIFICATED CONVEYANCERS
BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 19 *withdrawn*.Clauses 20 and 21 *agreed to*.

Clause 22 (Provision for Costs in Matters of Lunacy in case of Death).

MR. EDWIN JAMES moved that the clause be struck out.

MR. MURRAY supported the clause.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 6; Noes 34: Majority 28.

Clause 23 (All future Authorities to administer Oaths or take Acknowledgments to be registered).

MR. MALINS wished to say, with respect to the clause which had just been negatived, that the clause was struck out merely with a view to the introduction of a modified clause on the same subject on the bringing up of the Report.

MR. MURRAY said, that he thought the Committee did not quite understand the nature of the clause on which they had divided. [Order.]

MR. MASSEY said, the clause now before the House was the 23rd Clause.

Clause *agreed to*; as were the remaining Clauses.

MR. MOWBRAY moved the following Clause:—

"All persons who, previously to the passing of this Act, shall have been duly admitted and enrolled Attorneys or Solicitors of the Courts of the Counties Palatine of Lancaster and Durham, or either of them, shall and may be admitted and enrolled Attorneys and Solicitors of the High Court of Chancery, and in Her Majesty's Superior Courts of Law at Westminster, in pursuance of the provisions of this Act, without further examination, upon payment of such fees and duty as by law required; Provided always, That such admission and enrolment be perfected on or before the first day of Trinity Term, one thousand eight hundred and sixty one."

Clause *added* to the Bill.

MR. HENLEY said, that the Bill had passed through Committee somewhat in a hurry, without, he ventured to say, many Members of that House knowing what was new in it; and he hoped the hon. Gentle-

man who had charge of the Bill would agree to have it reprinted.

MR. MALINS said, that no doubt the Bill had passed very unexpectedly through Committee, and he would advise his hon. Friend who had charge of the Bill to adopt the suggestion of the right hon. Gentleman, and have the Bill reprinted.

MR. MURRAY said, he had no objection to the course proposed.

House resumed.

Bill *reported*, with Amendments; as amended, to be considered on *Wednesday* next, and to be *printed*, [Bill 303.]METROPOLIS LOCAL MANAGEMENT
ACT AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BRADY moved an Amendment that the House do go into Committee on the Bill on that day three months. He did so because he was convinced that the Bill proposed to inflict great injustice upon large districts of the Metropolis. He did not wish to reflect upon the Commissioners of Sewers, for they were now happily a defunct body; but they had borrowed a sum of no less than £200,000 for the purpose of carrying out the drainage of the Metropolis. The whole, or the greater part of this sum, had been expended on the districts bordering the river—in Camberwell the sum expended was no more than £350, and in Wandsworth not a single farthing. Yet now this Bill proposed that these outlying districts should repay a large portion of the money that had been borrowed by the extinct Commissioners. But was it right and fair that these parishes should be mulcted to pay money that had not been expended for their benefit, and for works which could do them no possible good, while at the same time they were required to carry on their own works at their own expense? The Bill, moreover, gave the most arbitrary powers to the Board of Works—powers which were wholly unconstitutional, and which might be exercised to the injury of property in the Metropolis. The powers which the Bill proposed to give to auditors were of a most astounding character, and such as ought not to be conferred on any unpaid officers who were not responsible. A power, for instance, was given to the Board of Works to assess parishes; and if the authorities of the parish did not make a rate

to raise that assessment, the Board had the power of making a rate themselves and of enforcing it by distress warrant. The Board of Works had also power to institute legal proceedings against parishes which objected to conform to their arbitrary behests, and not only to oblige them to pay the rates imposed on them, but also the costs and expenses of the legal proceedings. There was one clause in the Bill which he would call the confiscation Clause. It proposed to confer a power on the Board of Works of a most outrageous and unconstitutional character, inasmuch as it would enable them to effect the forcible removal of any houses which did not come within the circle of their approval. He knew that the House was always, and properly, reluctant to override what had been done by a Committee of the House; but he thought that the present was an exceptional case, and that there was quite sufficient to induce the House to take the course which he by his Amendment proposed.

COLONEL FRENCH seconded the Amendment. The House had just decided that a Bill brought in by a private Member containing only four clauses and recommended by a Committee and assented to by Her Majesty's Government (the Votes for Disqualified Candidates Bill) ought not to be considered at this late period of the Session. It would, therefore, be inconsistent to go into the consideration of the present Bill, which was also brought in by a private Member, but contained no less than one hundred clauses.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee.'"

—instead thereof.

MR. HENLEY said, he did not wish to say one word upon the general merits of the Bill; it partook of the nature of a private Bill, dealt with a very difficult and complicated subject, and had excited great difference of opinion. It was not likely that the House of Lords would look at such a measure at this period of the Session. He observed that there were no fewer than twelve Amendments upon the paper, each of which would probably require a whole day to itself, and all of which had, perhaps, been rejected by the Select Committee. It would be a mere waste of time to proceed further with the Bill, with the perfect certainty that it could not be entertained by the other House this Session.

Mr. Brady

MR. W. WILLIAMS said, the Bill gave extraordinary powers to the Board of Works, at whose instigation it had been brought forward, and sufficient time had not been allowed for its consideration by the different parishes. He would ask the Home Secretary whether if the Bill passed this House there was any chance of its being passed by the other House?

MR. EVANS trusted that the Bill would not be passed in its present shape.

SIR GEORGE LEWIS said, he did not see any resemblance between the present measure and that which the House had just postponed. The Votes for Disqualified Candidates Bill was admitted not to be urgent, and might be delayed without harm until next Session; but the present measure, which was substantially a private Bill, had been fourteen days before a Select Committee, great expense had been incurred both by the promoters and the opponents; and if the House refused to proceed with it, the whole of that labour and expense would be thrown away. Unless a case of necessity existed, the House should not refuse to go into Committee upon the Bill. Some Gentlemen had talked as if the rule of the Lords was inflexible. To what extent it could be shown that the Bill was an urgent one, or whether the House of Lords, in applying what he must call an extremely inconvenient rule, would take into consideration the expenses which had been incurred, he could not pretend to say; but if a case of urgency could be made out for the Bill, and if, as he believed, there was no material opposition to a large number of the clauses, he saw no reason why the House should not agree to the Motion for going into Committee. The Amendments, to which the right hon. Gentleman, the Member for Oxfordshire had referred, consisted of new clauses, which formed no part of the Bill itself, and which might be negatived. If the promoters, by omitting a few clauses, and modifying others, could in a moderate time induce the House to pass the Bill, he thought it would be worth their while to go into Committee at once. The House was now asked to postpone everything; but he doubted whether they would have more time to discuss this Bill next Session than they had now.

MR. TITE said, he introduced this Bill at the end of last Session, with the distinct purpose that it should be referred to every vestry in the Metropolitan district. It was so referred; the vestries, amounting to thirty-seven, forwarded to the Board of

Works their objections, amendments, and suggestions; and that body, after long discussion, agreed to the Bill in the shape in which it was sent to the Select Committee. It was before the Committee fourteen days, and thirty counsel were employed upon it. For some time it was entirely unopposed; and even now there was no great opposition to the Bill as it stood. The matter pressed extremely. Parliament had empowered the Board of Works to make seventy miles of sewers for the general drainage of the Metropolis, and to raise and spend £3,000,000. The Board was raising £300,000 a year; it was under contracts to the amount of £1,000,000; and, with the assistance of the Legislature, it would soon be able to complete the whole of the great work intrusted to it. But there were some minute difficulties in the way, which the present Bill proposed to remove. The Board of Works required no arbitrary powers; they wished only for the removal of obstacles which prevented the completion of a great work. He trusted the House of Lords would relax their rule in favour of a measure of great public importance.

MR. LIDDELL suggested that the promoters of the Bill should ascertain, as a matter of fact, whether the Lords would entertain the Bill before the Commons were asked to proceed further with it.

MR. JOHN LOCKE denied the assertion of the hon. Member for Leitrim (Mr. Brady) that the Bill would inflict any injustice upon the outlying districts of the Metropolis. All the Metropolitan parishes had been benefited by the expenditure of the Commissioners of Sewers; and it was only fair that they should contribute towards it. The Bill simply left the law in its present state. He thought it very desirable that they should proceed with the Bill.

MR. EDWIN JAMES thought, in justice to the hon. Member for Bath (Mr. Tite), who had taken great trouble with this measure, that they should go into Committee. There were clauses in the Bill to which he had serious objection; but if the hon. Member for Bath would consent to modify these clauses, he thought they were bound to go into Committee and endeavour to pass the measure, which was absolutely necessary for the prosecution of works that had already been undertaken. It was not becoming that that House should refuse to proceed with a measure because the Lords might refuse to entertain it.

MR. MALINS said, he had at first been

disposed to vote in favour of the Amendment; but after hearing the statement of the hon. Member for Bath, he must recommend the House to consider the Bill in Committee.

Question put, That the words proposed to be left out stand part of the Question.

The House *divided*:—Ayes 71; Noes 13: Majority 58.

Main Question put, and *agreed to*.

House in Committee;

MR. MASSEY in the Chair.

Clause 1 (Debt in respect of Counters Creek Works, and Part of Debt in respect of Ravensbourne Works, redistributed and made payable out of Moneys borrowed on the Security of the Main Drainage Rate).

MR. BRADY opposed proceeding with the Bill, and moved that the Chairman do report progress.

After some discussion, Motion *withdrawn*, and clause *agreed to*.

Clauses 2 to 45 were also *agreed to*.

Clause 46 (Communications with Main Sewers).

MR. GRANT DUFF said, the House was too thin to discuss a measure of so much importance, and, therefore, moved that the Chairman report progress.

Motion *negatived*. Clause *added*.

Clauses 47 to 107 *agreed to*.

MR. EVANS moved a clause providing that the Board of Works should not charge Chiswick to the extent of more than £1,251 7s. 6d., instead of £5,344 10s. 5d., at present charged and apportioned against that parish.

Clause (Metropolitan Board of Works not to charge Chiswick beyond £1,251 7s. 6d.).

Brought up, and read 1^o.

Motion made, and Question proposed, "That the Clause be now read a second time."

MR. FREDERICK PEEL did not deny that a hardship was inflicted upon Chiswick, as well as upon other parishes, by the proposed apportionment; but if some parishes were relieved, others must be proportionately burdened. The Select Committee, after fully investigating this question, pronounced unanimously against the new principle of parochial distribution, and against the clause now moved. They thus left the law precisely as it stood before; for what was now asked was that the assessment under the old system should be altered, although it was distinctly ratified by the Act of 1855.

MR. LEVESON GOWER said, that a

gross injustice, almost amounting to confiscation, would be inflicted upon the parishioners of Chiswick if this clause were rejected. The money they were now called upon to pay was for works which had not given them any direct or indirect benefit whatever. Chiswick had not had a fair opportunity of being heard before the Committee. With regard to the Bill, there had been a strong impression out of doors that it would not be proceeded with, and many hon. Members were accordingly absent who would otherwise have been most anxious to take part in the proceedings. To go on with the Bill now would be a mere waste of time. Something had been said about it being referred to a Select Committee of the other House when it was sent up there; but at this period of the Session was there the most remote chance of the appointment of any such Committee? At all events, if the House resolved to proceed with the measure, they ought to perform a manifest act of justice towards Chiswick by inserting this clause.

SIR GEORGE LEWIS said, that his difficulty in assenting to this clause was, that Chiswick did not stand alone, and that if this clause were agreed to the Committee would have no option but to reinsert the clauses in favour of other parishes which had been rejected by the Select Committee, after mature investigation of all the circumstances connected with the history of the Metropolitan sewage. The question had been fully discussed by the Select Committee, and, under the circumstances, he thought the House had no option but to abide by their decision.

MR. BRADY thought it a singular argument to lay down, that because an equal injustice had been done to other parishes that sustained by Chiswick should not be redressed. It must be remembered that the parishes whose claims had been so summarily rejected by the Select Committee had not been permitted the opportunity of being heard.

MR. H. B. SHERIDAN was surprised that a Bill of such importance had passed through Committee so quietly. On the part of the parishioners of Fulham he protested against their being called upon to pay debts to which they had been no parties whatever, and for which they had received no return. He moved that the Chairman do leave the Chair, not because he opposed the clause proposed, but with a view to prevent further discussion on this measure.

Mr. Leveson Gower

MR. HENLEY said, that this was what called a hybrid measure, being of neither an exclusively private nor public character. Now, in the case of private Bills, it would be necessary that any new clause proposed should have been approved by the Select Committee; and he wished to ask the Chairman whether the same precautions were not necessary in regard to Bills of this nature.

THE CHAIRMAN said, the law and practice of the House with respect to hybrid Bills was so confused and undefined that he should feel it difficult to lay down any rule on the subject. It did appear inconsistent that clauses should be proposed in a general Committee of the House upon a Bill the clauses of which had undergone investigation before a Select Committee. As this, however, had been introduced as a public Bill, he could not say that such a course was inadmissible.

MR. AYRTON hoped that the whole proceedings of the Select Committee to which the Bill had been referred would not be reversed upon one case of alleged hardship, such as that now brought under their notice. It was impossible to consider the clause proposed without recommitting the Bill, and going over the whole investigation again. Chiswick would derive immense advantage from the operations of the Board of Works, and it ought to be thankful that it had such a body to attend to its interests.

VISCOUNT ENFIELD supported the clause, not only in the interests of Chiswick, but of the whole Metropolis. He was quite certain that if the House generally had known that a Bill of this important character was coming on, affecting the vital interests of the Metropolis, there would have been a much fuller attendance. The measure was fraught with injustice to many parts of London, and other cases of hardship besides that of Chiswick might have been brought forward if fuller time had been given. He should therefore support the Motion to report progress.

MR. HUBBARD also thought that time should be given to consider what was the true character of the Bill. As an instance of the injustice done by it he might cite the case of the great docks. The cost of drainage of the parishes in which they were situated was a mere trifle, but that source of expense would now be multiplied twofold, fourfold, nay, tenfold. Why should those properties be taxed for the advantage of districts lying outside their barriers?

SIR GEORGE LEWIS did not know what length of time for the consideration of a Bill would satisfy some hon. Members. This measure had been before the House for a whole Session; it had been referred to a Select Committee, where it had undergone the most deliberate investigation, and the Committee decided on rejecting the principle contained in these clauses. If the Bill were passed in its present shape, it would pass without prejudice, and the hon. Member's proposal might be renewed in another Session. But the Motion that the Chairman do leave the chair would defeat the whole Bill, merely because it did not contain certain clauses which some hon. Members thought it ought to have. In his opinion that would be very unreasonable. He did not pretend that he had gone into the details of the measure. He founded his judgment upon the decision of the Committee, which was the usual course adopted by the House with respect to difficult and intricate questions of this sort. If the House at large attempted to decide such questions, not 365 days and 365 nights would suffice to get through the business; but if any Gentleman thought that this debt should be repartitioned among the various parishes they might revive the question next year.

MR. BRADY said, he should give the Bill all the opposition in his power, knowing perfectly well that it would perpetrate a grievous wrong upon a large portion of the Metropolis. Then again, as the Chairman had given no decision upon the point referred to him, they were legislating in the dark, without knowing whether they had power to discuss these clauses or not.

MR. JOHN LOCKE said, that if the Bill were even defeated, Chiswick and other parishes would stand in no better position. The Metropolitan Board in 1855 decided the ratio in which these parishes should be taxed, and if the Bill passed it would not make the slightest difference in the proportion which they had to contribute. With regard to the docks, he was told that they did more to pollute the Thames than any manufactory on its banks. In the docks the water was cooped up, and after receiving all sorts of abominations was discharged into the river to make that worse which was bad enough before. Chiswick itself would derive great benefit if the Thames were made a pellucid stream. It was monstrous to say that any injustice had been done to any parish through not being heard before the Committee.

SIR HENRY WILLOUGHBY said, he should support the Motion that the Chairman do leave the chair, because he thought the Bill involved an important question which a Committee of that House was not in a position to decide. An enormous taxing power would be conferred by the Bill, and at this late period of the Session he did not think such a measure could be properly dealt with. The 6th Clause gave the Metropolitan Board of Works power to assess in any part of the Metropolis such sums as in its judgment it should think fit. He admitted that the Act of 1855 required amendment; but, looking at the period of the Session, he did not think this was the time to deal with a Bill containing upwards of 100 clauses. He should, therefore, support the Motion of the hon. Member for Dudley, in order that the subject might be properly considered in the next Session of Parliament.

SIR GEORGE LEWIS said, he thought nothing could be more irregular than the course which was now taken. The hon. Member (Sir Henry Willoughby) supported the Motion that the Chairman do leave the chair, upon the question of an additional Clause, and gave as a reason for supporting that Motion that he objected to the 6th clause, which had already been agreed to. He (Sir George Lewis) was informed that, substantially, that 6th clause was in the existing Act. The Metropolitan Board of Works had submitted a long Bill to the consideration of a Select Committee. There were in that Bill some clauses referring to a repartition of an existing debt, which had been contracted under the powers of the present Act. The question was argued before the Committee, who did not think a repartition was desirable. That was no reason for rejecting a Bill which contained many clauses not touching that question in any way. If this Bill were thrown out, the Metropolitan Board of Works would come next Session with a Bill substantially the same, but would probably refrain from introducing those clauses; so that even if hon. Gentlemen should succeed in this most unusual proceeding it was doubtful whether they would obtain the object they had in view.

MR. H. B. SHERIDAN said, the objection was that the clause would enable the Metropolitan Board of Works to call upon all the parishes of London for old assessments to pay off old debts. The parish of Fulham had asked to be heard before the Committee, but was refused.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee *divided*:—Ayes 46; Noes 93: Majority 47.

Question again proposed, "That the Clause be now read a second time."

MR. BRADY repeated a question which had been put by the right hon. Member for Oxfordshire (Mr. Henley), to which no decided answer had been given by the Chairman, as to whether the Committee were justified in discussing this clause.

THE CHAIRMAN said, it was quite open to hon. Members to propose additional clauses to the Bill. The fact of its being a hybrid Bill, and having been examined by a Select Committee, did not deprive a Committee of the Whole House of the power of entertaining the question of new clauses.

MR. H. B. SHERIDAN said, that as the parish of Fulham had been refused a hearing, he should move that the Chairman report progress.

MR. SOTHERON ESTCOURT understood that the question now raised had been raised before the Committee. ["No."] The Bill was one which the House had felt itself unable to determine upon, and therefore intrusted it to a Select Committee. It was true that this was a hybrid Bill, and that fact necessarily caused some inconvenience in dealing with it. The Bill was partly a private and partly a public Bill, and inasmuch as it affected private interests, it was necessary that it should undergo a preliminary inquiry before the Examiner, in order to ascertain whether private interests were sufficiently guarded, and it was then sent to a Select Committee. If a Committee of the Whole House were to assent to the clause now proposed, they might be taking upon themselves to insert a clause which affected private interests, but which had not passed through the usual stages of preliminary inquiry, and therefore he hoped the clause would not be agreed to. He was inclined to accept the Bill as the Select Committee had agreed to it, having no reason to infer that they had not maturely and fairly considered it.

MR. EVANS hoped the Motion for reporting progress would not be pressed. The point which they were now discussing had not been discussed before the Select Committee, as Chiswick was not represented by counsel.

MR. BRADY urged the hon. Member for Dudley to persist in his Motion. The

Mr. H. B. Sheridan

right hon. Member for Wilts said he was disposed to accept the decision of the Select Committee, although the Chairman of that Committee admitted that injustice had been done to some parties. The fact was, he repeated, that those parties were not represented before the Committee.

SIR HENRY WILLOUGHBY supported the Motion for reporting progress. The right hon. Gentleman the Home Secretary had said substantially that the same clause as the 6th Clause of this Bill was in the Act of 1855; but the 6th Clause of the Bill repealed the 170th section of the Act of 1855, and conferred wider discretionary powers upon the Metropolitan Board of Works.

MR. HENLEY said, he had before expressed an opinion that the Committee would find a difficulty in dealing with twelve new clauses, which were to be proposed, and he was confirmed in that opinion by the present discussion. They were not now asked to take the Bill as it came from the Committee, but to adopt new clauses. This was the second of those clauses, and, he would ask, what chance was there of disposing of all of them? There were varying statements as to the parties having been heard; and with a knowledge of that fact he would put it to the supporters of this Bill whether there was any chance of its passing in "another place." If there was no chance, was it not worse than useless to consume further time in discussing it now?

VISCOUNT ENFIELD said, he had opposed the Bill, but, after the last division, he would not seek further to obstruct its progress. He would, however, remind the hon. Member for Bath that there were eleven new clauses still to be discussed, and ventured to ask the hon. Member whether he had any assurance that in "another place" this Bill would be regarded as one of such urgency as to be accepted at this period of the Session.

SIR FITZROY KELLY wished to put a question of a similar nature. Had the hon. Member for Bath the least expectation that a Bill which effected a total revolution in the entire system of taxation of the Metropolis would be able to pass into law this Session?

MR. MALINS said, he had supported the Bill, believing it to be a measure of urgency, and accepting the decision of the Select Committee upon it; but the question now raised was not one which the Committee had decided upon. If the liability was

to be thrown on the outlying parishes without their having been heard, he certainly would oppose the Bill.

MR. PEEL said, the liability continued exactly as it was laid down in the Act of 1855. It was true that at almost the last meeting of the Committee one or more of these parishes prayed to be heard; but the Committee had already decided the question at issue on general grounds, and declined to enter into particular cases.

MR. TITE said, that in a certain sense every one of these parishes had been heard, though technically they might not have been before the Committee, because that view of their position which they urged, was the same as that introduced into the Bill itself by the Metropolitan Board. The intent of the Bill was to effect a very important Amendment in the Acts which constituted the Metropolitan Board of Works, and to remove certain difficulties which lay in the way of carrying out the main drainage system of the Metropolis. He believed the Bill to be a very useful measure; but he must, of course, leave the House to decide upon it on its own merits. As to the question proposed to him as to what the House of Lords might or might not do, he was unable to give the House any information, but it appeared to him that all they had to do, was to proceed with a measure of great public value without reference to such considerations.

MR. ALDERMAN SALOMONS was in favour of the Bill, which had been much improved since it was first introduced.

LORD JOHN MANNERS hoped the hon. Member for Dudley would not go to a division.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided*:—Ayes 22; Noes 114: Majority 92.

Question put, "That the Clause be now read a second time."

The Committee *divided*:—Ayes 26; Noes 110: Majority 84.

MR. H. B. SHERIDAN again moved, that the Chairman report Progress.

Viscount ENFIELD, Sir JOHN SHELLEY, and Mr. DEEDES, deprecated such a mode of opposition.

Motion *negatived*.

MR. HUBBARD moved the following clause:—

"No order for payment of any sum of money shall be made by any district board upon any parish or place enumerated in Schedule B to the

Act firstly above recited, except for the amount of expenses actually incurred, or about to be incurred, within each parish or place respectively for which a general rate or a lighting rate may, under the 158th and 161st sections of the said Act be raised and levied, or for an amount of sewerage expenses equal to the outlay incurred, or about to be incurred, on behalf of each parish or place, or for an amount named in a precept from the Metropolitan Board of Works as charged upon the specific parish or place; and if any dispute arise as to what are expenses or outlay incurred within or on behalf of any parish or place, the parish or place on which any order shall have been made for payment may, within two months after the service of such order, appeal to the Metropolitan Board of Works, which shall hear both sides in open Court, and whose decision upon the matter shall be final."

Clause *brought up*, and read 1^o.

MR. SOTHERON ESTCOURT wished to know how the clause would work in the case of a sewer passing through two parishes of equal rateable value. Suppose the sewer were a mile long in one parish and only half a mile in the other. It might be assumed that both parishes would be equally benefited; but under the clause would not one parish pay twice as much as another?

MR. PEEL said, that the Select Committee had carefully considered the question now mooted, and had decided against this clause. They held that the expenditure within a parish was not a just measure of the benefit derived by the inhabitants. Such a principle as was now sought to be affirmed was at variance with all past legislation.

MR. AYRTON imagined that the clause had been moved in the interest of the St. Katharine Docks Company. Those docks were conterminous with the parish, and the effect of the clause would be that the Company would have all the benefit of the roads in the neighbourhood, and would not have to pay anything for them.

SIR FITZROY KELLY said, that this clause raised a question of great magnitude and importance. There were two descriptions of rates, the difference between which it was important to keep in mind, and it was necessary that the Committee should consider them both separately. The first was the district rate, comprising the expenses of paving, lighting, and watching. The uniform principle had prevailed that each parish should provide for its own expenditure under these heads. It was known to many Members of that House that when the Metropolitan Act of 1855 was under consideration the question of principle involved by this clause was

discussed. The prevailing opinion was that each parish ought to pay its own paving, watching, and lighting rate as heretofore. The Act of 1855 was passed under the impression that it did not alter the law in this respect, and that, although the management of all the parishes might be vested in one united Board, still that each parish was to continue to pay the expenses of its own paving, watching, and lighting. Within the last two years one or two districts adopted another interpretation, and the question arising whether, under the terms of the Metropolitan Act of 1855 each parish was only bound to provide for its own expenditure, a court of law held the true construction of the Act of Parliament to be that one general rate was to be imposed in proportion to the rateable value of each parish. The Court of law thus held that that was to be done which Parliament had determined ought not to be done, and the present Bill would perpetuate the decision of the court of law. As an illustration of the working of the new principle now embodied in the Act he would take two parishes—Aldgate, a small and rich parish, and Whitechapel, a large and poor parish. If these two parishes were thrown into one district and an expenditure of £5,000 had to be levied—Aldgate, if it paid according to the expenditure within it, would have to raise £1,000, and Whitechapel £4,000. But the change of law consequent upon the decision of the court, and which it was proposed to continue by the Bill, would reverse these proportions, and Whitechapel would probably have to pay only £2,000, while Aldgate, on account of its greater rateable value, would have to pay £3,000. The Committee were therefore called upon to decide a question of great importance—namely, whether the decision of the Legislature in 1855 should be reversed, or whether the law should remain as it had always been, that each parish should pay its own expenditure out of the rates to be imposed on that particular parish. If the principle of the Bill were affirmed, he saw no reason why hon. Members who were favourable to an equalization of poor rate should not demand, with precisely the same justice, that, although Aldgate might have very few poor and Whitechapel a great many, yet that Aldgate should pay £17,000 a year for poor rates, and Whitechapel only £6,000 or £7,000. But while from the earliest times each parish had not only supported its

own poor but provided for its own paving, lighting, and watching, the law regulating sewerage proceeded upon a different principle. The first Act passed on this subject was in the reign of Henry VIII., and this and all other Acts relating to sewers recognized the principle that, as every one derived benefit from a common sewer, each parish should contribute rateably in proportion to the benefit it derived. But the principle, “no benefit, no sewer rate,” was equally just and unvarying. The effect of the clause now proposed he imagined would be, not that each parish would henceforth pay, whether deriving benefit from the sewers or not, but to continue the law as it had existed since the time of Henry VIII., that the sewer rate should be levied on those parishes, districts or properties which benefited by the rate. Would the Committee provide by this Bill that the owners of large property should be liable to contribute large sums to sewer rates when they derived no benefit from the sewers? If that were the pleasure of the Committee, they must reject the clause of his hon. Friend (Mr. Hubbard); but if they were of opinion that sewer rates should be imposed upon the old principle of law, they would provide that the rate should be levied upon the owners of such property only as derived benefit from the sewers.

SIR JOHN SHELLEY trusted that the House would support the decision of the Select Committee up stairs, which heard the whole question argued, and had decided against a similar clause. They certainly ought not, upon an incidental Motion of this description, to reverse a principle which had always hitherto prevailed, and had received the repeated and deliberate sanction of the Legislature.

MR. H. B. SHERIDAN thought it reasonable to enact that parishes and districts in which no expenditure took place, should pay no portion of the sewer rate. There were Metropolitan districts that had nothing to do with the main drainage works.

MR. HUBBARD would answer the question of the right hon. Gentleman (Mr. S. Estcourt) by replying that if his clause were agreed to, parishes would pay according to the benefit they derived. There was no other way of testing this benefit, except by taking the amount of work done within that parish. He was not now asking for a new principle of legislation, but only that the law might be left as it was previous to the Act of 1855.

Sir FitzRoy Kelly

MR. EDWIN JAMES said, that the principle upon which the court of law had decided was, that it was impossible to appreciate the precise benefit which one particular portion of a district derived from measures of sanitary improvement. That was the only common-sense view, and it ought to be adopted by the House.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided*:—Ayes 8; Noes 114: Majority 106.

MR. CAVE made the following clause,

(Former exemptions in respect of Paving Rates to be allowed.)

"And whereas, by the one hundred and sixty-fourth and one hundred and sixty-fifth sections of the said recited Act, the then existing exemptions in respect of sewers rates and lighting rates were continued; and it is just and expedient that the like provision should be made in respect of rates for paving expenses; therefore, notwithstanding anything in the said recited Acts contained, all property, which at the time of the passing of the said first recited Act was not liable to be rated for paving expenses, shall be exempted from all rates to be hereafter made, so far as respects any paving expenses."

He stated that by the Act of 1855 exemptions from lighting and sewerage rates had been continued; that exemptions from paving rates were not specifically continued; but the duty was thrown on the Vestry by Sect. 159, to assess paving rates according to the benefit enjoyed. Now, in the case of Dock Companies, a large area was covered with water, and a large profit obtained from ships and bonded warehouses, for which no use of the pavements was made. Before the Act of 1855 by arrangement with the parish, £15,000 was fixed as the fair assessment; but when that Act passed the Vestry raised this to £75,000, the amount of the assessment to the Poor Rate; and though the Dock Company had obtained relief by a decision of the Court of Queen's Bench, confirmed, after appeal, by the Court of Error, yet as that applied to one rate only, and there were doubts expressed as to the jurisdiction of the Courts, the Vestry had again raised the assessment. This clause, therefore, simply followed the judgment of the Law Courts; and there could be no argument in favour of exemptions from lighting and sewerage rates, which would not apply with equal force to a paving rate.

MR. AYRTON said, legislation was not necessary in reference to the Dock Companies; but if they had any complaints to make of the operation of the law, they should have appeared before the Select

Committee. It would be dangerous to alter the Act in the manner proposed.

SIR FITZROY KELLY advocated the clause, on the ground that it only designed to give effect to a decision of the Court of Queen's Bench.

MR. BOVILL could not agree with his hon. and learned Friend (Sir Fitzroy Kelly) as to the exact bearing of the decision in the Queen's Bench as to the question of rateability upon the clause under consideration.

SIR JAMES GRAHAM asked the hon. Gentleman (Mr. Cave) whether the question was raised before the Select Committee; and if not, why not?

MR. CAVE said, the London Dock Company had not been represented before the Select Committee, because this case was then still pending; and they were advised that it would be better for them to make their appeal to the House of Commons.

After a few words from Sir JOHN SHELLY against the clause,

MR. CAVE said, he would not divide the House, lest it might be supposed the division had been taken on the merits of the clause; but as he saw the feeling of the Committee was against him, he should withdraw the clause; solely on the ground that it had not been submitted to the Select Committee.

Clause *negotiated*.

SIR GEORGE LEWIS suggested that hon. Members should reserve any further Amendments for the Report, and let the Bill pass through Committee. It was very doubtful whether the Bill would pass this Session; but the adoption of the course he suggested would give it a chance of passing.

The House *resumed*; Bill *reported*; as amended, to be considered *To-morrow*.

And it being Six of the Clock, MR. SPEAKER adjourned the House till *To-morrow*, without putting the Question.

HOUSE OF LORDS,

Thursday, August 2, 1860.

MINUTES.] PUBLIC BILLS.—3^a Mines Regulation and Inspection; Militia; Metropolitan Police Force (Dockyards); Heritable Securities, &c. (Scotland); Turnpike Acts Continuance; Maynooth College; Bank of Ireland (No. 2); Weights and Measures (Ireland); Sheriff Court Houses (Scotland); Common Law Procedure (Ireland) Act (1853) Amendment; Copyhold and Inclosure Commissions, &c.; Turnpike Trusts Ar-

rangements; Municipal Corporations (Ireland) Act Amendment; Prisons (Scotland); Police and Towns Improvement (Scotland) Act Amendment.

JUDICIAL STATISTICS. REPORT OF THE INTERNATIONAL STATISTICAL CONGRESS.

LORD BROUGHAM, in moving for a copy of the Report of the International Statistical Congress to the Secretary of State on Judicial Statistics, said he took it for granted that there would be no objection to the production of that document. Their Lordships were aware that a Statistical Congress had been lately held in that Metropolis under the presidency of his Royal Highness the Prince Consort, of whom he would only say that that illustrious Prince discharged the duties of the high office with his usual courtesy and condescension and with his usual ability and learning. He had himself the honour of being chosen to preside over one of the sections of the Congress—namely, that of Judicial Statistics; in consequence, no doubt, of his having, some years ago, brought that subject before their Lordships. Judicial statistics were absolutely necessary to good legislation, indeed to good government, inasmuch as without them they had no means of judging of the effect of existing laws or of the effects of any alterations made in them, and without such *data* he considered that legislation had no title to be called a science of induction. Beside, being chairman of one of the sections, he had been requested, in the absence of His Royal Highness, to preside over the General Meeting of the Congress at which the document for which he was about to move was unanimously adopted; and, as unfortunately for them His Royal Highness was not a member of that House, it devolved upon him (Lord Brougham) who had made a Report to the Secretary of State for the Home Department of their resolutions, to move their Lordships for its production. As the Report, addressed to the Home Department, contained some important suggestions, he begged humbly to move an Address for its production.

Motion agreed to.

MINES REGULATION AND INSPECTION BILL.

THIRD READING. BILL PASSED.

Bill read 3^a, with the Amendments.

LORD KINNAIRD said, he had given notice of some Amendments, to which he

wished to draw the attention of the House. These Amendments had been carefully prepared, and, with one exception, agreed to by the deputation of the Miners Association, by the agents, and by the noble Lord, at whose instance several alterations had been made in the Bill. He had also consulted with the hon. Gentleman who so ably carried this Bill through the Lower House of Parliament, and with others who supported him during its progress. If, therefore, their Lordships adopted his Amendments he had the best reason to believe they would not be disagreed from by the other House. The first Amendment to which he wished to draw attention referred to what was called the education clause, which only affected children under twelve years of age—an age at which he thought children should not be allowed to work in mines at all. It was considered advisable, however, that the rule should be relaxed, provided those between ten and twelve produced a certificate that they could read and write. When the Bill reached their Lordships' House provision was made to enable these children to continue their education while employed in the mines, and an Amendment was introduced providing the alternative that, if not able to read and write, they might be employed on producing a certificate from a schoolmaster that they were attending school five hours during the week. What chance was there that children of that age, after being thirteen or fourteen hours at work underground, would derive any advantage from education under such circumstances? The Inspector for the west of Scotland agreed with him that the age of admission to work in mines should be restricted to twelve years, and that boys, after being at work underground from four A.M. till five P.M., should rather be allowed to amuse themselves in the open air than be confined in the evening to a schoolroom. The noble Lord concluded by moving an Amendment to the second Clause, the effect of which was to take away the power of employing children under twelve years of age, on certificate that they were attending school five hours a week.

LORD STANLEY OF ALDERLEY hoped their Lordships would not agree to this Amendment, which would be most detrimental to the interests of these poor children. The Bill originally provided that all children should have a certificate, and, in addition to that they were to continue at school for a certain number of years. The alteration made by their Lord-

ships was not to strike out this clause, but to give to the masters an alternative that, while the children were employed, it should be obligatory on them to see that they received a certain amount of education. It seemed to him that, so far from this being an injury to the working classes, it would be an advantage to them. If the noble Lord's Amendment were adopted, the result would be that, young persons would be compelled to seek work where the restriction as to education was not enforced.

THE DUKE OF SOMERSET said, it was clearly contemplated by the promoters of the Bill that the boys should be educated while working in the mine; but the alternative was still left, that either a boy should have learned to read and write before he came to the mine, or else that, if he came, not having yet acquired that knowledge, he should attend school afterwards. He thought it would not be fair to set aside that arrangement, but the Bill should be kept as it now stood.

Motion, by leave, *withdrawn*.

LORD KINNAIRD then moved the omission of the words from Clause 7 (Mines to which Part 2 of Act is to extend) "works in connection with coal, or with any disused or exhausted coal mine." He said that the effect of retaining these words would be to exclude from the operation of the Bill the great majority of iron-stone mines, and in Scotland not above twenty mines would come under it, while a very large proportion of what were termed black-rag mines, employing many thousands of people, would be totally excluded from the Act. When the words were adopted it was represented that the Act would still include all the dangerous mines; but a subsequent inquiry had proved that not to be the fact. The Inspector's Report showed that many of the iron-stone mines were in a dangerous condition, and they had often been called upon to report upon the causes of those accidents, explosions of what the men called "sulphur" being quite as frequent in them as in coal mines.

LORD WYNFORD said, that the noble Lords most interested in the subject had left town; but at their request he had to state that the degree of danger attending the working of iron mines was a matter of opinion, and that he did not think there was really any more danger attending iron mines than coal mines. He trusted that under these circumstances the noble Duke opposite would support the clause as agreed to on a former occasion.

THE DUKE OF SOMERSET said, the present proposal was in fact to recommit the Bill for the convenience of noble Lords who did not come down to the House when the Bill was discussed at its former stage. The Bill was then very fully discussed. He himself read several of the extracts which the noble Lord had just quoted; but after the decision which the House had arrived at he did not feel himself justified in sanctioning any interference with the clause. He hoped, therefore, the Amendment would be withdrawn, especially as it would be interfering in some measure with the functions of the other House.

Motion, by leave of the House, *withdrawn*.

Other Amendments proposed and, by leave of the House, *withdrawn*.

Bill *passed*; and sent to the Commons.

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.

Order of the Day for the House to be put into a Committee on the Bill read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

VISCOUNT DUNGANNON rose to move that this Bill be referred to a Select Committee. He must disclaim hostility to the measure, but it was one of very great importance, and materially affected the interest and position of landlords in Ireland; yet it had come up to that House at a time when most Irish Peers had left town. He objected to the measure, in the first place, because he did not think that the legal gentlemen to whom disputes between landlord and tenant were to be referred for arbitration were qualified to decide questions of that description. Another most serious objection he had to the measure was the provision for registering disputes between landlord and tenant, and thus giving publicity to the private affairs of the landlord. He believed that this Bill, instead of promoting the improvements of land in Ireland, would have quite a contrary effect. It placed the landlord in a very invidious position in regard to his tenant, and was calculated to produce endless disputes and misunderstandings between the two. He would not conceal from their Lordships that he deprecated legislation on this subject at all. He did not think that Parliament ought to meddle with the private relations of landlord and tenant, and it was certainly an interference which was very unusual. It might

perhaps be desirable to legislate for the purpose of facilitating the improvement of land by tenants for life; but they were bound at least to legislate on an equitable principle, and to avoid placing the landlord in an invidious position. There were some good points in the Bill, but there was much that was very objectionable. It was unjust towards the landlord, and to a certain extent even unfair to the tenant; and they might depend upon it that a measure which did not do full justice to both would be no less disadvantageous to the one than to the other. If, therefore, their Lordships wished to legislate justly and wisely between landlord and tenant they would refer the Bill to a Select Committee with a view to its being thoroughly sifted.

Amendment *moved*, to leave out from ("That") to the end of the Motion, and insert ("the Bill be referred to a Select Committee.")

EARL GRANVILLE said, that he could not regard the noble Viscount, who had pronounced the Bill unjust and oppressive, as friendly towards it, and that he felt it his duty to oppose the Motion to refer it to a Select Committee. It was very undesirable that the progress of the Bill should be further delayed. The noble Viscount complained that the Bill should have been brought forward at a time when so many Irish Peers had left town; but the attendance of Peers now was as large as it generally was throughout the Session. The subject had been already inquired into by a Select Committee in both Houses of Parliament, and, as the question was one which affected the interests of landlords and tenants, it was necessary, to avoid misconstruction, that the reasons which induced their Lordships, who represented the landlord interest, to amend or reject the Bill, should be fully and publicly stated.

THE MARQUESS OF WESTMEATH protested altogether against a Bill of this nature being brought forward in connection with Ireland. Transactions in reference to these matters ought to be conducted in Ireland the same as they were in this country. There was nothing to justify the assumption that it was expedient that provision should be made to facilitate the improvement of landlord and tenant in Ireland. Were not landed proprietors and tenants in Ireland gifted with common sense enough to conduct their own affairs without this kind of legislation? There had been a great deal of agitation on the subject of tenant-right. This was made a

Viscount Dungannon

party cry for political purposes; and in some degree this Bill was the offspring of that cry and agitation. The transactions that took place between landlord and tenant were as much matters of private bargain as any other; and he therefore called upon all noble Lords who were landlords—whether English, Scotch, or Irish—to come forward and declare that they would not sanction this kind of legislative interference with them, by putting a veto on this Bill.

THE EARL OF DONOUGHMORE was understood to support the reference to a Select Committee; though it was at the same time highly desirable that the Bill should be passed this Session. He would remind the noble Marquess that this was not the first occasion on which their Lordships had legislated on this subject; and that in 1854 they had adopted a Bill which went much further than the present one.

LORD MONTEAGLE thought it was impossible for their Lordships to do justice to the clauses of this Bill in a Committee of the Whole House, or to deal with them in a manner that would be satisfactory to themselves or the public. He was, however, perfectly favourable to the measure; and if he believed that the Motion for referring it to a Select Committee would endanger its success, he should vote against that proposition. The Government deserved the best thanks of the public for the attention they had devoted to this subject; and his only anxiety was to see the measure pass in such a shape as would effect a permanent settlement of this question. If their Lordships sent the Bill to a Select Committee, they would doubtless do so with a sincere desire to carry out all its essential provisions, without raising any captious objections.

THE MARQUESS OF CLANRICARDE had no great affection for this measure; but would recommend that if it were referred to a Select Committee, it should be so referred with a distinct understanding that it should be passed in all its essential parts. Although he could not anticipate that the Bill would have all the pacifying influence which had been claimed for it; yet it was an honest measure which had been much considered by the other House, and he thought their Lordships would do well to pass it.

EARL GRANVILLE did not think their Lordships should allow themselves to be altogether led away by the notion that this Bill could not be discussed in a Committee

of the Whole House. They had already had Select Committees of both Houses upon this subject; and certainly, as far as the satisfaction of the public out of doors, who read their debates was concerned, it would be far better that they should devote a little time to this discussion in the Whole House, instead of in a Select Committee, in which no report of the arguments or speeches on either side would be published. With regard to the two proposals which had been made on this question, he appealed to any lawyer whether the measure of the Government was not simple and easy of comprehension by unlearned persons; while the noble Lord's Bill was most difficult to understand.

On Question, Whether the words proposed to be left out shall stand part of the Motion?

Their Lordships *divided*:—Contents 34; Not-Contents 30: Majority 4.

Resolved in the Affirmative.

House in Committee accordingly.

Clauses 1 to 10 *agreed to*.

Clause 11 (Definition of Improvements).

VISCOUNT DUNGANNON moved to omit Paragraph 7.

On Question, "Whether the Words proposed to be left out shall stand Part of the Clause?"

Their Lordships *divided*:—Contents 23; Not-Contents 30: Majority 7.

Resolved in the Negative. Paragraph *struck out*. Clause, as amended, *agreed to*.

Clauses 12 to 23 *agreed to*.

Clause 24 (this Clause and the subsequent clauses down to Clause 32, formed Part II. of the Bill, and enacted a code of "Leasing Powers" applicable to the purview of the measure).

THE EARL OF DONOUGHMORE proposed to strike out the whole of this section, and to substitute other provisions to the same intent, framed on the provisions of the Bill of 1853, which had been assented to by the House of Commons.

EARL GRANVILLE thought it would be better not to encumber the Bill with these details. It would be inexpedient to send down to the other House an entirely different measure from the one which it had passed.

THE MARQUESS OF BATH supported the Amendment.

LORD CRANWORTH objected generally to the clauses on the ground that, *inter alia*, they conferred powers of granting building and mining leases without the

sanction of any Court to guard against the interests of those who had reversionary or other interests being prejudiced. This was contrary to the principle of the Leases and Settled Estates Act, and the recommendations of the Committees who had inquired into that subject.

THE EARL OF DERBY hoped his noble Friend would not press these clauses. The Bill was quite clear and intelligible as it stood, and great pains had been taken with it elsewhere by those whom he very highly respected. It would be invidious to send back in the Bill a series of clauses which the Commons had rejected on a division, however small the majority. The introduction of these clauses at the present period of the Session might occasion a difficulty, and he was very unwilling that anything should be done to prevent the passing of some measure on this subject. It was very important that this question should, if possible, be settled this Session, he should, therefore, prefer legislation, even though less perfect, with the chance of obtaining the sanction of the other House, to that which technically might be more complete, but involving the risk of further discussion and delay. He therefore hoped his noble Friend would not press the consideration of his Amendments, but consider the various clauses in the Bill as introduced by the Government.

THE EARL OF DONOUGHMORE consented to withdraw his Amendments.

Amendment *negatived*.

Clause 25 (Power of Limited owner to Lease).

THE EARL OF DONOUGHMORE moved as an Amendment, extending the provisions of the clause to building leases, and to substitute, for the Chairman of Quarter Sessions, one of the Judges of the Landed Estates Court, as the authority whose previous sanction should be obtained by the limited owner of an estate before granting such a lease. He said that the Chairmen or Assistant Barristers of counties in Ireland ought not to have such an invidious duty imposed upon them, and however eminent in the legal profession, they could not be expected to be competent to deal with questions of the valuation and management of landed estates. The Landed Estates Court in Ireland, which was expressly occupied with such matters, was the tribunal to which these questions on leases ought to be referred.

Amendment *moved*, after "Improvement," to insert "or Building."

LORD MONTEAGLE said, the Assistant Barristers and Chairmen of County Sessions in Ireland were a most valuable body of men, who enjoyed the confidence of all classes of the people; and he should be sorry to cast upon them any duties which might tend to impair their position, where they had to decide between the conflicting interests of the parties. He had, however, to ask whether it was true that many of those Gentlemen had expressed an unwillingness to undertake the functions proposed to be thrown upon them by this measure.

EARL GRANVILLE said, it was not correct that they had expressed any such objections to the Government, and he believed their local knowledge would enable them to discharge the duty better than the Landed Estates Court in Dublin could do. One of the most valuable benefits which this Bill might be expected to confer upon Ireland was that it would enable leases to be granted in such a case without the expense of an application to the Court of Chancery for its sanction. But if an application to the Landed Estates Court were to be required, the expense would not be so much reduced.

The Marquess of WESTMEATH and Viscount DUNGANNON were understood to support the Amendment; the Duke of LEINSTER to oppose it.

On Question, their Lordships *divided*:—Contents 19; Not-Contents 20: Majority 1.

THE MARQUESS OF BATH moved an Amendment limiting the term of a building lease to 60 years. He had no objection to take a shorter term, as 40 years, or a longer term, if the House thought proper, but he wished some limit to be fixed, so that a life owner might not be able to make away with ground for building houses or cottages in perpetuity, to the injury of the estate for ever.

EARL GRANVILLE begged to remind the noble Marquess that no such building lease could be granted without the sanction of the Landed Estates Court, which might disapprove of the lease without qualification if it should appear to be unfair or prejudicial to the estate.

After discussion,

THE MARQUESS OF BATH altered his Amendment so as to provide that building leases might be granted for periods not exceeding 99 years.

Amendment *moved*, after ("Years") to insert ("and of a Building Lease shall not exceed Ninety-nine Years").

On Question, their Lordships *divided*:—Contents 24; Not-Contents 17:—Majority 7.

THE EARL OF DERBY suggested that it would be desirable to introduce a restriction in building leases, to the effect that the buildings to be constructed should be of a certain value, so as to prevent the erection of miserable cabins. The noble Earl said he was not prepared, at present, to specify the exact amount.

Clauses 26 to 39 inclusive *agreed to*.

Clause 40 (Consent of Owner).

THE MARQUESS OF BATH said, the Amendment he was going to propose was the most important of all those of which he had given notice in reference to this Bill. The clause as it stood provided that a tenant should serve a notice upon his landlord of his intention to make certain improvements, and if within three months after such service the landlord did not object and lodge his objection with the clerk of the peace of the county against such proposed improvements, the tenant should have the power to proceed in making them. He could not conceive anything more unfair against a landlord than to allow a tenant to take advantage of any accident which might happen—it would be to allow a tenant to proceed in making improvements without the landlord's consent. On the other hand he would propose this: that a tenant should serve a notice upon his landlord or the agent of his intention to make improvements, and that he should not be allowed to proceed with them unless the landlord or agent should serve a notice in writing expressing his approval of the proposed alterations. He did not see what objection there could be to have the written consent of the landlord in a case where the tenant was to have the benefit of the alterations. The noble Marquess then moved Amendments the effect of which was to render the written consent of the owner necessary.

EARL GRANVILLE was understood to oppose the Amendment. It was no doubt a very important one, and would, if sanctioned, prevent the Bill having the effect which it was intended—it would, in short, have the effect of putting a stop to improvements by a tenant.

LORD CHELMSFORD said, the object of the clause as it stood was to enable both landlord and tenant to act together in making certain improvements, and the mode provided by the Bill was that the tenant should give a notice to the landlord, and

that the landlord should then, within three months, express his dissent to the improvements and lodge a notice with the clerk of the peace to that effect. Undoubtedly that was placing the landlord in a very invidious position. It was requiring him to express in writing an opposition to improvements and to make a publication of his objections by sending them to the clerk of the peace. The Amendment proposed had nothing to do with evictions. It merely proposed that the approval of the landlord should be substituted for his disapproval—in short that no improvements should be entered upon without his expressed approval. If the Amendment should be agreed to, landlords would not be placed in that invidious position which the clause contemplated in requiring them to exercise a veto, and in publicly expressing their disapprobation to the clerk of the peace within a given time. He thought the Amendment should be adopted.

THE EARL OF DONOUGHMORE said, the whole question turned upon this:—Was the landlord's silence in not giving notice to the clerk of the peace to be taken for a consent to the proposed improvements by the tenant? He disapproved of the clause as it stood, and should feel himself obliged to vote against it.

EARL GRANVILLE said, if a landlord were so unmindful of his own interests as not to return a reply to the notice he received in the space of three months, it must be fairly assumed that he consented to the improvements proposed by the tenant. He objected to an express written consent being required from the landlord, but he would agree to an Amendment of the clause to the extent that a landlord should not be required to lodge his objection with the clerk of the peace.

LORD CRANWORTH felt that the whole question depended on the validity of the notice. This ought to be served personally either on the landlord or his agent, and not, as the clause proposed, through the medium of the post.

EARL GRANVILLE expressed his willingness to alter the clause in accordance with the suggestion of the noble and learned Lord.

After some further discussion Clause, as Amended, *agreed to*.

Clauses 41 to 56 *agreed to*.

Clause 57 *struck out*.

Remaining Clauses *agreed to*.

The Report of the Amendments to be received on *Monday* next.

CONJUGAL RIGHTS (SCOTLAND) BILL. COMMITTEE.

House in Committee (according to Order).

THE LORD CHANCELLOR said, the great object of the Bill was to get rid of the anomaly by which a person might have one wife on one side, and another on the other side of the Tweed—in fact to make Scotch divorces valid in England as well as in Scotland. It would also limit the jurisdiction of the Scotch Courts in matters of divorce to cases in which the parties were *bona fide* domiciled in Scotland. Hitherto it had been held by the Scotch Courts that forty days' residence was enough, and also that if either of the parties had been once domiciled in Scotland, although he might afterwards have been settled for years in England, and married in England, the case came under the Scotch jurisdiction. This view had, however, been disputed by the Courts in England—and the consequence was, that a divorce pronounced by a Scotch Court might be valid in Scotland and not valid in England; that a woman might be the wife of one person on the north of the Tweed, and of another person on the south, and the children might be legitimate in one country and illegitimate in the other. It was to get rid of that monstrous anomaly that the Bill was introduced. He regretted that from the learned Faculty of Advocates at Edinburgh it still encountered some opposition. They approved of the forty days' residence being given up, but they desired to retain the jurisdiction of the Scotch Courts *ratione delicti*, that was in cases where the adultery took place in Scotland though without domicile and without residence. He trusted that their Lordships would not concur in that view, because it would give facility to collusion when Scotch divorces were no longer null in England, as a person might intrigue with a woman in Scotland for the purpose and with the understanding that his wife should there apply for a divorce. Where adultery was punished as a crime, it might be said that the punishment should take place where the crime was committed; but adultery was not punished in this country as a crime, and dissolution of marriage was not always a punishment of the offence.

LORD CHELMSFORD expressed his entire concurrence in the measure of his noble and learned Friend.

LORD BROUGHAM said, he had for-

merly prepared a Bill, which, though not the same as this one, was intended to effect the same object, and his Bill met with the entire concurrence of the Faculty of Advocates. He did not think that there was any weight in the objections which had been raised to the present measure in Scotland.

Bill *reported*, without Amendment; an Amendment made; and Bill to be read 3^a *To-morrow*.

DEBTORS AND CREDITORS ACT AMENDMENT BILL.

RESOLUTION OF URGENCY—SECOND READING.

LORD BROUGHAM rose, and
Moved to resolve:—

“That as regards the Debtors and Creditors Act Amendment Bill, inasmuch as Persons in actual Custody who were to be released by the Bankruptcy Bill lately withdrawn had relied upon that Bill being proceeded with, and had not considered any Amendment of the Debtors and Creditors Act was required; the Circumstances which require Legislation on the Subject-Matter of the said Bill are of such Urgency as to render the immediate Consideration of the same necessary.”

Resolution *agreed to*.

Bill read 2^a (according to Order); Committee *negatived*; and Bill to be read 3^a *To-morrow*.

MILITIA BALLOT BILL. COMMITTEE.

House in Committee (according to Order).

THE EARL OF DERBY objected to the proposed limitation of the age of persons to be balloted for the Militia, and which was a great variation from the existing practice. At present the age was fixed between eighteen and thirty-five; but this Bill would reduce it to between eighteen and thirty. That was, in his opinion, a useless and even mischievous alteration of the existing law, and he could not understand why men of thirty-five, or even up to forty or forty-five, should not be eligible for the Militia. Moreover, by diminishing the area over which the ballot would operate, its pressure would be proportionately increased upon those to whom it still extended.

EARL DE GREY AND RIPON said, there were good reasons for the proposed change. This reduction of the age could not be objected to on principle. Formerly the age was higher than thirty-five, and

Lord Brougham

now it was sought to lower it again to thirty. The alteration was proposed because it was thought it would be well to relieve persons above thirty of all anxiety on the score of the ballot, and that service in the Militia would be less inconvenient to men under that age. If, however, the noble Earl wished to raise the question, he might do so on the Report.

THE EARL OF DERBY was certainly not disposed to take a division on the point in the present state of the House; but between thirty and thirty-five a man was just in the prime of life, and he must repeat that he could not understand why he should be excused at that period from service in the Militia.

THE MARQUESS OF SALISBURY felt at a loss to understand why the number of persons from whom the Militia was to be chosen should be circumscribed. He did not wish to press forward a discussion then, but he hoped the Under Secretary for War would reconsider the subject.

Amendments made; the Report thereof to be received on *Tuesday* next.

House adjourned at a quarter before
Twelve o'clock, till *To-morrow*
half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, August 2, 1860.

MINUTES.] PUBLIC BILLS.—1^o Titles to Land (Scotland) Act (1858) Amendment; Party Emblems (Ireland); Weeds Destruction (Ireland).

3^o Ecclesiastical Commission, &c.; Augmentation of Small Benefices (Ireland); Infants' Marriage Act Amendment.

STANDING ORDERS.

PRIVATE BILLS.

COLONEL WILSON PATTEN said, that it was usual about this period of the Session to move the appointment of a Committee to consider any alterations which might be required in the Standing Orders of the House. This year, however, so few Amendments were needed, and those so entirely of a verbal character, that he had thought it better to submit the new Orders at once to the House, rather than give hon. Members the trouble of sitting in Committee upstairs, and making a formal Report upon the subject. The Standing

Orders which he proposed to repeal with the view of substituting amended ones for them were Nos. 109, 127, and 128. The alterations in No. 109 were intended to clear up doubts which had arisen as to the power of Committees to hear municipal authorities upon local Bills, in regard to which they were not parties; while the Amendments in Nos. 127 and 128 had been suggested by the Chairman of Ways and Means, who had devoted so much attention to the business of the House, that his recommendation alone ought to be sufficient to procure their acceptance. The hon. and gallant Gentleman moved the repeal of Standing Order No. 109.

VISCOUNT PALMERSTON: Sir, I will avail myself of the opportunity which is afforded by the Motion of my hon. and gallant Friend to bear my testimony—and I am sure that all present will bear their testimony—to the great merits of those hon. Members who as Chairmen of Private Bill Committees have during the Session devoted so much time to, and bestowed so much labour upon, the business which has been referred to them. The public in general are informed by the ordinary channels of the labours of the Members of this House with regard to public business; and hon. Members who have the opportunity of delivering their sentiments upon public measures with ability and success gain for themselves a deserved reputation, with their constituents, and with the country at large. The public in general, however, are not aware how much is done for the public interest in a way which obtains for those who do it no public credit and no public reputation. I believe that there is no assembly in the world in which so much gratuitous labour is bestowed upon useful practical measures—which are called private, but are really public measures affecting public interests—as is bestowed in the House of Commons. Until within the last two years private Bills—by which I mean railway, canal, and road Bills, and other measures having for their objects the making of public improvements of all sorts and kinds—were referred to Committees, each of which frequently had a different chairman and different members from those Bills of the same nature which had preceded it. The result was that decisions varied, parties were left in great uncertainty as to the course which any given Committee would take, and very frequently much inconvenience was felt

and great injury was sustained. About two years ago a permanent panel of Chairmen of Committees of this kind was established, and I understand that the result of that alteration has been highly creditable to the House, and very advantageous to the interests of parties concerned in such Bills; that the decisions of the Committees have been guided by uniform principles; that proceedings have been very much abridged; that unnecessary delays have been avoided; and that, upon the whole, no change bearing upon these matters has ever been so universally acknowledged to be an improvement as has the establishment of the Chairmen's panel. It is due to those who have contributed to this result that their names should be known to the House and to the public. They have devoted themselves in the most exemplary manner to the public service, sacrificing their private occupations and engagements, and devoting both their mornings to a self-imposed task. They are entitled to our thanks and acknowledgments. Mr. Adair has sat sixty three days in the course of the present Session as Chairman of these Committees. Mr. Ridley has sat fifty-five days, Mr. Ing-ham forty-five days, Lord March forty-three days, and Mr. Scholefield thirty-seven days. Mr. Mowbray and Mr. Hardy were unable, from different circumstances, to continue their labours during the whole of the Session; but Mr. Mowbray sat twenty-two days, and Mr. Hardy sat thirteen. It is due to these Gentlemen, who have set so bright an example of devotion to the public service—to which they were not called except by their own voluntary act—that the House and the public should be made aware of the value of their services—services from which the country has derived great benefit.

Motion agreed to. Standing Order, No. 109, repealed.

Standing Orders 127 and 128 *repealed*; and certain other Orders substituted in lieu thereof.

DEATH RATES IN REGIMENTS.

QUESTION.

MR. FREELAND asked the Secretary of State for War, Whether the Death Rates in the different Regiments of the Army and the Causes of Death could not in future be given in the Registrar General's Quarterly Reports?

MR. SIDNEY HERBERT said, that the death rates of the army would now be

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put into an annual Report, which he intended to lay upon the table of the House. The Report would soon be ready. He attached great value to the publicity of these rates, believing that they would have the effect of keeping the different bodies up to their duty. It would be in the power of the Registrar General to adopt those death rates, and to consolidate them in his General Quarterly Reports.

THE WAR IN SICILY.

QUESTION.

SIR GEORGE BOWYER said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Government have received any information that the inhabitants of Melazzo resisted the attack of the Revolutionary Troops, and that Garibaldi, having taken possession, punished with death thirty-nine of the inhabitants for having fought against him, and in defence of the rights of their Sovereign?

LORD JOHN RUSSELL was understood to state that the Government had received no information such as that referred to by the hon. and learned Gentleman.

PUBLIC BUSINESS.

VISCOUNT PALMERSTON moved that the Standing Order of the 25th day of June, 1852, relative to Orders of the Day, be read and repealed; and, in lieu thereof, moved,

"That, unless the House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays, and Thursdays, shall be disposed of before the House will proceed upon any Motions of which Notices shall have been given;—and that the said Resolution be a Standing Order of this House."

The object of his Motion was to continue the arrangement with respect to Thursdays and Fridays, which had been attended with so much advantage to public business, in the present Session, namely, that Orders of the Day should have precedence of Notices of Motion on Thursdays, unless the House should otherwise determine, and that Fridays should be devoted to Notices. He did not know whether it was necessary to ask the House to consider whether the practice of introducing such a variety of subjects on the Motion for the Adjournment of the House from Friday to Monday was strictly in accordance with the spirit of the Orders of the House, which require that Members should speak on the Motion put from the

Mr. Sidney Herbert

Chair, and not upon other subjects. It was a matter which must be left entirely to the discretion of Members; but he thought the House would agree with him that the privileges of Members had been carried this Session a little too far. He, however, should be the last person to wish to limit the powers of hon. Members; but the inconvenience of discussing such a variety of topics upon the simple Motion for the Adjournment of the House was very great. He had occasion a few minutes ago to mention the services performed by the Chairmen of Committees. He thought the House must also feel they were under considerable obligations to the hon. and gallant Member for Lancashire (Colonel W. Patten), the Chairman of the Committees of Standing Orders and Selection. He (Viscount Palmerston) was likewise bound to mention honourably the services rendered by the hon. Member for Walsall (Mr. C. Forster) who discharged his laborious duties with great advantage to the public.

MR. SOTHERON ESTCOURT concurred in the remarks of the noble Lord as to the valuable services of the Gentlemen whose names he had mentioned, and he thought the House would do well to follow out the system which had conferred such benefit on the public in the next Session. In returning thanks to those hon. Members who had exerted themselves to advance the public interests they ought not to omit a reference to the hon. Member for Devizes (Mr. D. Griffith) who was the first person to suggest the propositions now moved by the noble Viscount, but who at his (Mr. S. Estcourt's) suggestion, did not persevere in bringing them forward.

MR. W. WILLIAMS said, he presumed the noble Lord intended to take Thursdays for the use of the Government, but he believed no Resolution to that effect had been passed.

VISCOUNT PALMERSTON intimated assent.

MR. HALIBURTON said, that in the enumeration of the persons deserving the thanks of the House, a valuable class of persons had been overlooked—the private Members of the House—who for their patience and endurance during the Session had merited notice.

Resolution agreed to.

Resolved,

"That, unless the House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays, and Thursdays, shall

be disposed of before the House will proceed upon any Motions of which Notices shall have been given."

Ordered,

"That the said Resolution be a Standing Order of this House.

FORTIFICATIONS AND WORKS.

COMMITTEE.—ADJOURNED DEBATE.

SECOND NIGHT.

Order for Committee read.

House in Committee.

(In the Committee.)

Question again proposed,

"That it is the opinion of this Committee that, towards providing for the Construction of Works for the Defence of the Royal Dockyards and Arsenals, and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum, not exceeding two million pounds, be charged upon the Consolidated Fund of the United Kingdom, and that the Commissioners of Her Majesty's Treasury be authorised and empowered to raise the said sum by Annuities for a term not exceeding thirty years; and that such Annuities shall be charged upon and be payable out of the said Consolidated Fund."

Mr. LINDSAY rose to move the following Amendment:—

"That, as the main defence of Great Britain against aggression depends on an efficient Navy, it is not now expedient to enter into a large expenditure on permanent Land Fortifications."

In proposing this Amendment he trusted he should not be thought less anxious for the defence of the country than those hon. Gentlemen who would support the original Motion. He wished that both sides of the question should be looked at. The expenditure now about to be commenced was somewhat novel in this great maritime country. The House was called on to give a vote for £2,000,000; and if the matter rested there no opposition might possibly be offered to the proposition; but the noble Lord at the head of the Government said that this was only an instalment of the sum of £9,000,000, while the Royal Commissioners stated that £12,000,000 would be required. If this were all, perhaps there might not be such great objections to so large a sum being voted for land fortifications; but since the Report of the Royal Commissioners a Committee from the Horse Guards had sat to Report upon their Report, and this Committee not only confirmed the Report in all its leading features, but they recommended a scheme for which a far greater expenditure than £12,000,000 would be required; and then stated that there must be a great

increase to the regular army, for that the Volunteers and Militia, though they might serve very well as auxiliaries, would be utterly incompetent to man these fortifications. Therefore, the adoption of the plans of the Royal Commission would not only entail an expenditure of £12,000,000, but would lead to the outlay of £2,000,000 or more annually, raising the military expenditure from £15,000,000 to £17,000,000 per annum. Now, if these £2,000,000 at 4 per cent were capitalized, the result would be £50,000,000; so that the House was substantially called on to-night to vote, not £9,000,000, but £59,000,000. What object could there be for this large expenditure? The noble Lord in his able and clear statement the other evening, said:—

"I think it is impossible for any man to cast his eyes over Europe, and to see what is passing there, without being convinced that the future is not free from danger. It is difficult to see where the storm may burst, but the horizon is charged with clouds, which betoken the possibility of a tempest. The House, of course, knows that in the main I am speaking of our immediate neighbour across the Channel, and there is no use disguising it."

The noble Lord then went on to animadvert on the standing army of France, and on the increase in the navy of that country, and appeared to come to the conclusion that the army and navy of France could be for no other purpose than aggression on England. The statements of the noble Lord had been answered in a letter said to be written by the Emperor of the French to his Minister in this country. In that letter Napoleon III. gave a clear and distinct answer to the statements made by the noble Lord in Committee the other evening. The Emperor said that he desired "to inaugurate a new era of peace and to live on the best terms with all my neighbours, and especially with England." The Emperor also stated that his army and fleet had in them nothing of a threatening character, that his steam navy was even far from being adequate to the requirements of France, and that the army and navy were no greater than in the time of Louis Philippe. The Emperor then went on to say,—

"In Heaven's name, let the eminent men who are placed at the head of the English Government lay aside petty jealousies and unjust mistrusts."

Those were solemn words; but perhaps some hon. Members had no faith in them. He, however, had faith in those statements.

The Emperor of a great people would not make statements in such a clear and distinct manner unless he meant to carry them out. Had not the Emperor given proofs of his friendship for this country? Did not his armies co-operate with ours in the Crimea? and were they not to take part also with ours in the China war, and in putting down the fearful massacres in Syria? Had not this country entered into a commercial treaty with France? ["Hear, hear!"] Hon. Members might hold what opinion they pleased respecting that treaty, but, at all events, it afforded some earnest of the Emperor's desire to maintain friendly relations with this country. He had heard the Emperor of the French called by various names—he had heard him called ambitious, and he had heard him called not honest, but he had never heard him called a fool. But the Emperor would, indeed, be a fool if he attempted an invasion of this country. The Emperor was interested in maintaining peace, and above all with this country. The noble Lord asked what was the meaning of this army of 400,000 men, which could easily be increased to 600,000? and the noble Lord, if he did not say it directly, at least meant it to be implied, that these forces were intended to be landed some day on our shores. Yet this army was no more than the Emperor of the French had maintained for many years. He admitted that France had increased her navy greatly of late; but the events of the Crimean war, during which she was obliged to depend on England for the transport of her troops, induced the people of France to think that they had not a navy sufficiently strong for a first class nation; it appeared to him that France was doing nothing more in maintaining her navy—which, after all, was much inferior to ours—and in keeping up her army, than any other first-class Power would do whose frontiers bordered upon Prussia and Austria, which also maintained very large armies. For these reasons it appeared to him that France was doing no more than maintaining her navy at an adequate strength, which was still inferior to the strength of that of England. But let the House consider the question practically, and ascertain the possibility of an invasion. He was not conversant with military matters, but he presumed France would not attempt to invade England with less than 100,000 men. But she could not gather 100,000 men at her ports, together with

the requisite *matériel* for such an army, without this country becoming aware of her intentions long before that army could embark. But supposing that it did embark, what would our fleet be doing? It surely would not lie idle in port at such a time. If 100,000 men were embarked in transports covered by ships of war, our fleet would, of course, go out to meet them in the Channel, and most probably if it did not defeat it would at least disable the expedition. But supposing the enemy to avoid that danger, and to have brought his troops to our shores, he could not land them, except in boats or barges prepared for that purpose. But in the meantime, what would our army be doing? What would the 130,000 Volunteers be doing? They could be assembled from all parts of the country by the railways; were they to sit idly looking on? Assuredly they would not allow a landing to be effected without opposition. But we had other means of combating any intention to invade, as England was a wealthy country, and in France there were to be found many discontented parties. If there was any intention to invade England, should we not attempt to revolutionize France, and thus give the Emperor work enough at home? He would ask, however, whether the sum now demanded, large as it was, would be sufficient to make us safe? for, if it would make us safe, he would not oppose the granting of it. If hon. Members looked at the Report of the Commissioners, they would find that on one part of the coast-line between the Humber and Penzance an extent of coast of 750 miles, of which there were no less than 300 miles upon which an enemy could land with perfect ease. Were the Committee prepared to go into the fortification of every spot where an army might land? Supposing the proposed fortifications were made, it could not be expected that an enemy would land immediately under their guns. He would, of course, select some spot where no fortifications existed. An enemy might select the Frith of Forth and destroy the capital of Scotland, or enter the Clyde in order to attack Glasgow. The landing might be effected in the Mersey, which would place Liverpool in danger, and Manchester would be threatened. Sunderland and its docks might be shelled. An army might land at Padstow, and, crossing Cornwall, might destroy Plymouth. It might land at Christchurch, and destroy Portsmouth; or choosing either Brighton on the south

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or Harwich on the north, might endanger London. The Commissioners themselves admitted, with regard to Pembroke, that there were four places at which an enemy could land, and those places were respectively twelve, nine, eight, and twenty miles apart. Where were we to end if we were to fortify every vulnerable point upon our coast? The expenditure would not end in £9,000,000, nor in £59,000,000, for at any idle rumour of invasion—and there had been many such rumours—every place which was not protected would appeal to Parliament to give them that protection, and they could justly say, “We are taxed for fortifying and protecting vulnerable points, and are equally entitled to consideration with other places.” If that House took the first step which it was now invited to take, no future demand for protection could be refused. But the truth was, our real strength had ever been and ever would be upon the waters. The Commissioners said things had changed since the introduction of steam; but he believed that the introduction of steam was all in our favour. We possessed the largest steam fleet in the world, we had railways running through every part of the country, we had telegraphic communication with every point, and by means of them our ships could be rapidly directed to any place that might be threatened. He believed, therefore, that land fortifications were less necessary now than in former years, when we depended upon sailing ships. The noble Viscount had referred to the expenditure in France for fortifications, and had mentioned those of Paris, but he (Mr. Lindsay) would ask of what use had those works been to the Monarch who constructed them. But, in addition to our navy, we had another defence in a free, united, and contented people. The noble Lord had truly said that in case of danger the 130,000 Volunteers would speedily be multiplied six-fold; but, probably, in case of invasion, the number of Volunteers would reach 1,000,000, and what could an army of 100,000 do against 1,000,000 of loyal and enthusiastic Volunteers, who would defend to the last their homes and their Sovereign? His firm belief was, that not one of those 100,000 would ever return to France. He would suggest another point for the consideration of the House. England was now bidding against France, Germany, and the United States, for the markets of the world. The difference in the cost of production in this country, as compared with that in

other countries, was yearly becoming less. Wages had been steadily on the rise, not merely from increased demand, but because of the rise in the price of necessities and the increased taxation. If taxation were pushed further, the difference in the cost of production would be still more diminished, and if our artisans and manufacturers were unable to compete with those of the United States in distant countries, orders would cease to come here. Our workshops and manufactories would be closed and our artisans would be thrown out of employ, and would there then be a united and contented people to resist aggression when they were ground down by increased taxation? To say the least this was questionable.—While making a vain attempt to raise unnecessary fortifications they would increase the burdens of the people, and the result might be more serious than they supposed.

Amendment proposed,

“To leave out from the words ‘Committee that’ to the end of the proposed Resolution, in order to add the words ‘as the main defence of Great Britain against aggression depends on an efficient Navy, it is not now expedient to enter into a large expenditure on permanent Land Fortifications.’”

MR. H. BERKELEY said, he rose with some diffidence—[*Laughter.*] He would refer those Gentlemen who laughed so freely to their copy books, where they would find the maxim that “Fools are easily moved to mirth.” He rose to second the Amendment of the hon. Member for Sunderland, in the terms of which he agreed, though he dissented from some of the arguments which had been used in its support. He admitted that the necessity for defending this country, and even strongly defending it; but he differed *totò cœlo* from the noble Lord (Viscount Palmerston) when he said that the best mode of defending it was constructing stone walls and ditches, and placing cannon on them. He often heard in that House of measures that were un-English. He thought that if there ever was an un-English proposition it was that of the noble Lord. Englishmen had been accustomed to make it their boast that a foreigner might go from end to end of the land and never pass through a fortified town; though there were some forts that would keep off a marauder, we had not a fortification that would resist a siege. There was something of the national spirit in the refusal to take refuge behind stone walls, and in the determination to rely on our good right arms

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for the defence of the country; and this spirit should be encouraged by every means. This sentiment was not confined to England. Go to ancient history, and there we find Lycurgus, a great lawmaker, to whom some might compare the noble Lord at the head of the Government. What said Lycurgus to the proposal to defend Sparta by stone walls? He said, he preferred walls of men to walls of stone; and moreover that he viewed valour behind walls much in the light of pent-up cowardice. It was not for him to say there was any analogy between the case of Sparta and the case of England, seeing that Sparta had no dockyards or arsenals to defend, and he was not prepared to insist upon it, if it were denied, that there was any analogy between the noble Viscount and Lycurgus. But this he was prepared to say, that the closest analogy existed between the manly sentiments of Lycurgus and the manly feelings of the English people. He could not see that a case was made out by the noble Lord, or by the Report which he relied on, why we should take to fortifications instead of relying on our usual defences. He could see no reason why at the present moment we should resort to stone walls in preference to those wooden walls which had defended us so well. He denied entirely that any cause existed at present for panic. He denied that there was any more danger at this moment than there had been in former years. When he looked back to the events of the present century—and he could venture to add a few years of the century before—he found that this country was well and adequately defended by the Board of Admiralty, having under its command our powerful navy; and he said the noble Lord was bound to prove that we had not the means of defence at the present moment which the Admiralty possessed in past years. There was no greater cause existing at this moment for extra defences than there was when the Admiralty defended the country with so much success. Why, within the present century, or just beyond it, we had great wars. This country was beset, not only by the most powerful nation of Europe, but by a combination of warlike nations. He had a dim recollection of the time when Napoleon I. stood on the heights of Boulogne, and with him a most powerful army—when every fort and every creek in the north of France was filled with a well-armed flotilla. Yet, nevertheless with vessels which we did not possess at this moment—with a number

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of small 10-gun brigs, we prevented that force from stirring from their ports. Had they laded in this country they would have met that very military spirit which pervaded the country at this moment. At this moment there was no greater danger to be apprehended than there was then. Much had been heard about “bridging over the Channel with steam;” and that it was possible to bring forces by steamers to any given point. The hon. Gentleman who preceded him (Mr. Lindsay) was quite right in his conclusion that steam was an engine which was more favourable to the attacked than to the attacking body. When he looked to our coal fields and observed the way in which this country was intersected by railroads, the celerity of our locomotives, and to all this added the electric telegraph, by which forces could be brought from any part of the country without reference to wind, tide, or weather, he thought it impossible to avoid the conclusion that this country was more effectually defended than it was when we had to depend simply on sailing vessels. He would read an extract from a letter he had received from an experienced officer, a relative of his own (Sir Maurice Berkeley), who had not only seen a good deal of service, but had been a Member of that House, and had had a seat at the Board of Admiralty for many years. His gallant relative said:—

“I look on the proposed expenditure on fortifications as a monstrous absurdity, originating in panic, the said panic depriving our rulers of their senses, and forcing them to overlook our real defences, which are on the sea, which are available, but which are not there made use of. We have from 200 to 300 gunboats and gunvessels. Give me 6,000 men and a few marine artillery, directed by such men as Harry Keppel, James Hope, and Michael Seymour, and others less known, whom there would be no difficulty in pointing out, and I would guarantee that no enemy should land an army with all the necessary material to effect a permanent footing, which would enable him either to destroy our dockyards, or our arsenals, or to march on London. I have been unable for twenty-six years to impress on successive Governments the absolute necessity of a reserve for the Channel service only, irrespective of Channel fleets, naval officers. I require 6,000 men never to go out of the Channel, never to put foot in a square-rigged vessel, but always to be at hand, from year's end to year's end.”

There was nothing in the evidence or the Report of the Commissioners which should lead the House to give up our old measures of defence—to take the defence of the country, in effect, from the Admiralty, and hand it to the War Office. Would the Duke of Somerset, the First Lord

of the Admiralty, say he was unable to defend the country? Would the Secretary to the Admiralty stand up in that House and say that, under existing circumstances, he found the navy unable to do that which they could do in the olden time? He thought the Duke of Somerset had too high an opinion of our naval means, and he hoped that his hon. Friend the Secretary of the Admiralty had too much respect for his profession so far to cast a slur upon it. In this Report he found disparagement cast on the Volunteer forces. ["No, no!"] Hon. Members said "No." He would, then, qualify the observation. "They were damned with faint praise." The Report said the Volunteers were unable to meet the regular soldiers of other countries in the field. Well, he denied that point-blank, and he said that precedents bore out the denial. By whom had all the great actions been won? Who were the men in the history of the world who had most distinguished themselves? Why, almost all the great victories had been effected by raw levies and volunteers. Who turned a veteran army out of America? Raw levies and volunteers. Who captured a Royal army, and Sir John Burgoyne at the head of it? Raw levies and volunteers. The Duke of Wellington stood at the head of a splendid army of veterans—probably the finest the world ever saw—at the time when Napoleon was sent to Elba, and it happened that 8,000 of these picked men were sent to America, and cut to pieces by raw levies and volunteers. And what was Wellington doing in the meantime? He stood on the field of Waterloo. And what did his army consist of? Raw levies and volunteers. ["Oh, oh!"] It was a matter of history; and the Gentlemen who cried out had probably forgotten their books. The Duke of Wellington himself stated the fact. Many of the men had never before fired ball-cartridge. Who defeated the best of the Austrian troops? Raw levies and volunteers headed by Garibaldi. And what was Garibaldi doing now? Beating the regular army of the King of Naples in Sicily by raw levies and volunteers. These were facts which could not be denied, and he, therefore, met with a denial, the assertion that our Volunteer force would be unable to meet regular soldiers in the field. And when it was said that such an army as had recently been seen in Hyde Park could not beat any troops in the world, he denied the assertion. A great ship-

launch had recently taken place, and it had brought to light certain circumstances which showed we were not making use of those means which we ought to be using for the protection of the country; and while these means were neglected, the noble Lord wished Englishmen to hide behind stone walls. He was introduced to a French officer—a man of distinction—who came over to see the review of the Volunteers. That gentleman spoke in the highest praise of the review, and said he could see no difference between their movements and those of regular troops abroad. This gentleman then went to see the launch of the *Atlas*, a vessel of 91 guns, and, on his return, spoke in the highest terms of what he had seen; but he was afterwards, he said, quite thunderstruck, for, on looking in *The Times* the following morning, he found that the ship was to be armed with the old sort of artillery, and he asked, "Where is Sir Armstrong and his gun?" Well, he (Mr. Berkeley) found that Sir William Armstrong had got two guns in the Royal navy while Napoleon had 600 rifled cannon. What became, then, of all that had been heard about Sir William Armstrong? He remembered the impression which was made in the House when the hon. and gallant Member for Huntingdon (General Peel) announced that Mr. Armstrong had been knighted, and that he was to have £2,000 a year for superintending rifled cannons. The House almost exclaimed, in Oriental phraseology, "May Armstrong live for ever! Armstrong is great, and Peel is his prophet!" All that he (Mr. Berkeley) could hear of him now was, that he had sent a few guns to China, that there were a few at Woolwich, and two on board some ship in the Royal Navy. So, according to *The Times*, see what foreign nations had been doing. Napoleon at Solferino had a park of rifled guns, and such were their powers that the Austrians, on advancing, said the French fired on their rear-guard and baggage. The Spaniards had lately had a campaign against the Moors, and they used rifled cannon. And even Portugal had a manufactory of rifled guns. We, meanwhile, had two Armstrong guns in the Royal Navy! We required to make use of the power we possessed, and which is denied us. If ever a French army landed with a siege train it followed that the Channel must have been bridged over, that our fleet must have been defeated; and then they might raise

as many fortifications as they pleased, but stone walls would not prevent England from becoming a province of France. It was not on land that they must fight the French if they were to succeed in approaching our shores. We must fight them as they came over sea-sick, and while cabbage-soup and sour wine were deranged by a rolling sea. We must meet them with gunboats, and fight them in the surf. Let Ministers lay aside their new-fangled notions, and fall back upon their gallant navy that had stood by them in times past, and would be willing to stand by them again, aided by a compact army and volunteers. There was not a naval officer who would not say there was reason in what he said.

MR. SIDNEY HERBERT: Sir, the speech in which this Amendment to the Motion of my noble Friend was moved requires that I should rise and take some notice of the arguments by which it has been supported. But in the first place, let me say, with regard to the last portion of the speech of the hon. Gentleman, who has just sat down, that he was something too credulous as to the state of preparation of England with respect to rifled ordnance when he took it from a French officer, who came to see a launch, that we are giving our new ships smooth-bore guns while the Emperor of the French has 600 rifled guns on board his ships. I am in a position to give an emphatic denial to both those statements. I do not believe the French have 600 rifled guns on board their ships. They have, I am aware, rifled a great many cast-iron-guns, and that has happened to them which has also happened to us, that when those guns have been tested, as guns ought to be that are intended for real service, they have frequently burst. They have now undertaken a different mode of proceeding, and with the science and ability that distinguish those who are employed in the public service of that country I have no doubt they will succeed in making excellent guns. My hon. Friends asks "Where are the guns of Sir William Armstrong?" The prophet was not only a great prophet, but a true prophet, when he said that Sir William Armstrong's were not only excellent guns, but that they would be produced in such numbers and at such a cost that we might look forward to their displacing some of our larger armaments. For some weeks the delivery of these guns has been twelve a week. That is better than two, which the hon. Gentleman was informed is the number of rifled

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guns in the English navy. [An Hon. MEMBER: What is the size?] Forty-pounders, and there will soon be some 100-pounders also. [Sir JAMES ELPHINSTONE: What is their weight?] I do not know. We have 12 batteries manned and horsed, equivalent to 72 guns. I am sorry that an impression should have gone abroad that, notwithstanding the advantages which this country ought to possess in its scientific inventions and manufacturing capabilities, we are behind foreign nations in this respect. The hon. Gentleman who moved this Amendment began by saying that an invasion is impossible, and that not less than 100,000 men must come to invade us, if they come at all, and that if they succeeded in effecting a landing, not one of them would ever return to his own country. I am not going to discuss with the hon. Gentleman the number of men with which it would be practicable to invade this country, because my opinion is worth no more than that of any other Member who is not an authority on military matters; but permit me to say, that was not the opinion expressed by a great master of the art of invasion, and one who actually contemplated an invasion of these shores. M. Thiers tells us that Napoleon said,

"If I made an attack upon England I should have to throw 60,000 men on the English coast. To conquer England, to subjugate the English people, would be a chimerical expectation—"

I must say that there I think he was quite right

"But my expedition would do an infinity of mischief, and destroy enormous masses of property. It would create panic and alarm in a country that depends so much on its safety and security for the means of carrying on its industrial pursuits. I might be able to do this, and it might be worth doing. The ultimate fate of those 60,000 men would be doubtful. But still, looking at the extent of the property possessed by England, the insecurity, the panic, and the alarm that would be created, the effort might be worth the attempt."

The hon. Gentleman says, that in the mean time we should be revolutionizing France. Well, I have no faith in that suggestion. I do not know how far we should be justified in making the attempt; but let me remind the hon. Gentleman that the Emperor of the French is seated very firmly on the throne; he understands the genius of the French people; few Sovereigns have understood it so well; we tried to revolutionize France at a time when she was distracted by parties, and when hatred prevailed between differ-

ent classes, and what a miserable attempt and what a miserable failure it was! The hon. Gentleman says that the Navy is the true defence for England. Who doubts that? Is it proposed, in supplementing it by defences on land, to abandon that chief and main line of defence? Is it proposed to transfer the first, main, and chief line of defence from the Admiralty to the War-Office? Not at all. Every man of sense must know that, having an insular position and an hereditary prestige at sea, and having, moreover, an enormous and powerful navy, the sea must be our first and great line of defence. But that is no reason why it should not be supported by defences on shore. The hon. Gentleman says, that the inventions of steam and electricity would give greater advantages to the invaded than to the invader. In opposition to that view naval officers with whom I have conversed say, and say truly, that the introduction of steam has to a great degree deprived us of our power of blockade. In the days of sailing ships, when the wind was in one quarter, you were safe, and could sleep in security. How was your blockade conducted? So long as the wind blew on the shore, and it was not safe for the blockaded squadron to put to sea, the blockading squadron stood off the shore, with the certainty that no one could get out. But now, if the blockading squadron stands off, the blockaded squadron gets up steam in the night and is away before the blockading squadron knows where it is. Another question has been alluded to—the publication which has appeared in the public prints during the last few days. The hon. Gentleman says that the Emperor of the French has written a letter expressing his anxiety to maintain the best relations with England; that the Emperor speaks of his army and navy as of no size to create alarm and uneasiness in this country; and he adds that which I can perfectly believe, that the Emperor of the French is in earnest in wishing to maintain peace with this country and the best relations with its Government. I am not in the least prepared to offer any word of doubt or denial to that statement. But circumstances are sometimes stronger than men. The Emperor of the French alludes to the difficulties by which he has been met since the Italian war. He admits that Europe is uneasy and suspicious, and that it may be a long time before that uneasiness and suspicion are removed. I ask what is the Emperor of the French to do

under the circumstances he describes? He is anxious for peace. He knows that peace is for the interest of France. He has almost got peace in his own hands. No nation, and least of all this country, has the wish to attack France. England would engage in no European war unless she herself were attacked. The whole of our prosperity—everything we have—depends on the maintenance of peace. I believe there exists in England a feeling, and I am sure that I, for one, share in it, that war, unless it is forced upon you, is a crime and a sin. I do not believe that in the whole breadth of England there is a man who wishes for war. I believe that there are very few men in England who in their nightly prayers do not pray that this terrible calamity may be averted. What has been the conduct of the Emperor of the French, with which I have no ground for complaint, under the circumstances he describes? He is at this moment strengthening, and wisely strengthening, the fortifications of Cherbourg, L'Orient, Rochfort, Brest, and Toulon. We have no right to complain, and it would be a most unseemly proceeding on our part to complain, that any Sovereign should put his own coasts in a good state of defence. Nor, on the other hand, has any one a right to complain or take offence that we do the same. We have, indeed, a much better right to do it in this respect, that our fortifications for the defence of our dockyards and arsenals are in a far weaker state than those of France, while our navy is an arm much more vital to us than to any other country in the world. The hon. Gentleman has quoted the opinions of a French officer with whom he recently became acquainted. Some years ago, when I was Secretary of the Admiralty, I made the acquaintance of a French officer who came over here with King Louis Phillippe. My right hon. Friend opposite, the late Secretary of the Admiralty, will remember the circumstance. That officer, upon seeing our dockyards said, "You certainly are the strangest people in the world. You have the greatest amount of warlike property that the world ever saw collected in one place, Portsmouth, and yet you make no effort to defend it. You take no steps to prevent its being attacked, and if it was attacked, you could not save it." Since that time, no doubt, great improvements have been made; there has been a steady progress in strengthening the defences round Portsmouth and on our coasts. Do not let it be said, as it

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has been two or three times by the hon. Member for Bristol, "Have nothing to do with these new-fangled ideas of fortifications." He has added that it is our boast that you may go through the length and breadth of England and never enter a fortified town. If we do make that boast I must remind him that there is a proverb—and he is fond of proverbs—"that boasters are always liars," and that certainly is true in this case, because Portsmouth is fortified, Plymouth is fortified, and Chatham is fortified. [Mr. BERKELEY: I said, fortified to stand a siege.] Then, fortifications are not un-English, the only things which are un-English are good fortifications. "I do not say," says my hon. Friend, "that there should be no fortifications, but that there should be fortifications which are insufficient to stand a siege." That is exactly what we want to avoid. What we propose are fortifications which will secure us against a *coup de main*, and resist any such force as might be detached to attack our dockyards and destroy our ships. I need hardly at this time of the day quote instances to convince even my hon. Friend that fortifications are useful to places which are besieged. In Spain places were defended for long periods against powerful French armies by volunteers and untrained persons, and there were also great delays occasioned to both armies by the protraction of sieges which were ultimately successful. Silistria, too, was for a time successfully defended against the Russians by Turks, who were men that we should not call regular soldiers; and Kars was for a long time held by a very insufficient force against an overwhelming army led by a very able commander. It is said, "You need not fortify; the fleet is your true defence." With that last observation I entirely concur, so far as it goes, but no further. "You can blockade ships better than when you had not steam, and to suppose that French ships could get out of port and reach the English shore is absurd." Just take what happened at the commencement of the last war. England was several times invaded. I am not going to say that the invasions were successful; there were failures on land; but while we were blockading the French ports, ships did cross the Channel, and succeeded in anchoring in English or Irish ports, and landing men. In 1796, notwithstanding our blockade of the French ports, a French fleet of seven sail of the line, two frigates, and transports with troops, sailed out and

entered Bantry Bay. General Hoche was to have joined them, but his part of the fleet was dispersed by the weather. But what happened to the other ships? They got back safely to Brest in spite of the English navy, and in spite of the wind. That was the case of a French fleet, without the advantage of steam, crossing the Channel, anchoring, and remaining some time in an Irish port, and getting safely back. In 1798 nine French sail of the line with troops reached Ireland, but were afterwards engaged and dispersed by Sir John Warren. In August of the same year General Humbert landed in Killala Bay with troops. He afterwards surrendered; but he had landed. I am not saying that an invasion is necessarily successful, but that under particular circumstances it is possible for French ships carrying troops to evade our cruisers and get safely across the Channel into an English port. In 1797 four French frigates, with 1,500 troops, entered the Bristol Channel, destroyed a great deal of merchandise and many ships, and landed the troops at Fishguard. True, the troops immediately surrendered—but the ships arrived, the ships made good their passage; and if there had been more ships and more troops they would probably have been more difficult to deal with than they were. All this time, mind, the French ports were blockaded, and our navy was flushed with its success in the battles of Cape St. Vincent and the Nile. That under such circumstances France succeeded in sending troops across to this country, under circumstances of greater difficulty than now exist, shows that there is no perfect and utter immunity from such a danger. But it is said that when the danger arises you will have plenty of time to get ready your fortifications; that earthworks will do; and the case of Sebastopol is appealed to as that of a place which was defended by earthworks. It was not. On the north side there was a very strong fort and other stone fortifications. We gave them time, and they constructed works which they were able to defend, having an army inside as large as that which was besieging them; but it is a mistake to suppose that earthworks made on a sudden, and earthworks alone, would have sufficed to defend Sebastopol for so long as it held out against so large a force as was attacking it; while, on the other hand, if Sebastopol had been fortified on the south side as it was on the north, neither the French nor the English

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would ever have thought of besieging it. Upon this subject I may quote a short sentence from the works of Napoleon, who says :—

“Mixed fortifications of earth, raised in a fortnight or three weeks, would not be secure from a *coup de main*.”

His opinion was equally strong upon another matter, and I quote him the more readily because his opinions were given at the end of a career of the most wonderful military success which any man ever enjoyed, and no man can cavil at his authority. He said :—

“There are military men who ask what is the use of fortified places, intrenched camps, and the art of the engineer? We will ask them how it is possible to manoeuvre with inferior or equal forces, without the aid of positions, fortifications, and all the supplementary resources of art?”
“The garrisons of fortified places ought to be drawn from the population, and not from the active army: provincial regiments of militia were intended for this service.”

I have already discussed the question of what is doing in France with regard to fortifications. I have said that the Emperor of the French has written a statement of his feelings and intentions, which are those of an able and well-advised man; but at the same time I have asked the House to look at what he is doing for the defence of his country. Nor is it in France alone that such works are being carried on. At this moment Russia is fortifying Kertch, and 5,000 men, under General Todleben, are improving and strengthening the defences of Sweaborg. Germany is fortifying the ports on the Baltic, and Austria is strengthening herself in the same way as well as she can. The fact is that the result of the uneasiness which has been felt is, that each nation of Europe is endeavouring to make its coast or its frontier as secure as possible, and not one of them neglects or despises the resources which art and science place at their disposal for that purpose. If there is one country in the world which, when once her sea-line is broken, must be more dependent upon fortifications than another, it is England. Her regular army is small, and her irregular army promises to be large. We have thus a necessity for putting our levies behind works. My hon. Friend (Mr. H. Berkeley) is horrified at the idea of Englishmen skulking behind works. What a miserable proceeding then was Torres Vedras! There is one of the greatest feats of the Duke of Wellington, which the hon.

Gentleman looks upon as the most contemptible and cowardly proceeding that could be. I might quote instance upon instance in which Englishmen have, while skulking behind works, greatly distinguished themselves against very superior forces. But after all it comes to this: the hon. Gentleman says, “Don’t adopt these new-fangled systems.” New-fangled systems! Why Napoleon said that fortification was the only art which had not changed for 2,000 years. All the change which has been made is, that as the range of cannon gets greater you must extend the area of your fortifications in order to protect the centre from danger. That is what we are doing. You might just as well say that it was new-fangled to adopt the Enfield rifle, or anything else which art and science has produced. “Trust to our wooden walls.” Why, our “wooden walls” are ceasing to be wooden, and are being cased with iron to defend them against the powerful artillery which all nations are beginning to use. What do you intend to oppose to this long-range artillery? Are you to oppose it by earth or sods, into which a Whitworth or Armstrong gun will throw a shot, which will throw up the dust and cause some disturbance? No; my hon. Friend will have walls of men, who, taking it upon the lowest ground—that of pounds, shillings, and pence, will cost much more than earthworks. These Englishmen to whom he would refuse the assistance which science and art would afford them are the finest and best material for soldiers that the world has ever seen; but is that a reason why you are to sacrifice them without reason? The Motion before us is,

“That, as the main defence of Great Britain against aggression depends on an efficient navy, it is not now expedient to enter into a large expenditure on permanent land fortifications.

That implies, I apprehend, that if ever an efficient navy should cease to be our main dependence, then it would be right to erect land fortifications; or, on the other hand, it may mean that at the present moment our navy is very powerful, and that we do not require any other defence. The Amendment of which notice has been given by the hon. Member for Birmingham is substantially to the same effect. Well, the hon. Member for Birmingham is a great believer in the voice of the people, “*Vox populi, vox Dei*,” is his motto. Is it not a fact, I ask him, that the whole nation is full of alarm

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and suspicion? The people feel that they ought to obtain security at any price. We have therefore spent a large sum in putting our stores and munitions of war in order. We have had an increase of the army; not a large increase, it is true, but still an increase. All these things are cheerfully borne by the people, and more is called for—more, perhaps, than the Government are willing to do. Is not that an indication that there must, in the minds of an immense majority of the people, be some cause for alarm? The country feels that it is not in a proper state of defence, and that, if we deal with the question at all, we should deal with the whole of it if we can. Such are the feelings which I believe animate the public out of doors. We must not neglect these indications, especially since it is not a mere question of opinion, for the Government are persuaded that we are not in that state of defence which so great, so powerful, and so rich a nation ought to be in. One of the best means of maintaining power, no doubt, is a wise, prudent, and pacific policy. We ought in our foreign relations to show an appreciation of the rights and feelings of other nations, and if all countries were to do the same there would no longer be any danger of war. But, knowing that such conduct upon our part is not in itself an immunity from danger, we must not only comport ourselves in a manner pacific and moderate towards other nations, but we must likewise deprive other nations of the temptation to attack us which is offered by great wealth and concomitant vulnerability. With these views the Government appointed the Commission which has laid its Report upon our table. Last Session a Motion was made by the right hon. Gentleman the Member for Stroud (Mr. Horsman), who proposed that we should not any longer deal with the question of fortifications by piecemeal, peddling year after year with small sums, making little progress, and postponing the time of ultimate security until another generation; but that we should make a great and comprehensive effort, with the view of putting the nation in a proper state of defence at once. I believed the advice was sound, but I am certain, at all events, that if we had not given an indication that we intended to apply ourselves seriously to the subject, that Motion would have been carried. In the interval a Commission, composed of very able men, has considered the whole matter, and has presented a masterly Re-

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port. The Commissioners contend, upon the general ground of policy, that it is our duty and interest to defend ourselves with the best means which science and art can afford. They enter into the details of each particular arsenal and port. Their Report is before us. If you are of opinion that the whole of this supposed weakness of our arsenals and dockyards is imaginary, or that the erection of fortifications—if our arsenals are as weak as they are alleged to be—is not the way to defend them, and that we ought to trust in flesh and blood, and to the Spartan courage and devotion so eloquently referred to by the hon. Member for Bristol, instead of acting upon those maxims which all experience tells us to be true and sound, then you will refuse the Resolution of my noble Friend, and it will be for the Government to consider what course they should adopt under such circumstances. But my belief is that this House faithfully represents the feelings of the country upon this subject. You may have discussions as to the more or the less, the how and the where; but the principle is now recognized as sound and true that you ought not to allow the great depositories of your naval strength to be at the mercy of any nation. It has often been said that you ought, instead of erecting fortifications, to raise a much larger standing army. At the present moment we have due to us fifteen battalions. We have three on the sea coming from India, we have three more promised from India, and we have lent nine to the expedition to China. With a large force of Volunteers and Militia, you should take measures to release from garrison duty as large a number of regular troops as you can for manœuvring in the field. The hon. Member for Bristol has quoted a letter from a gallant officer (Sir Maurice Berkeley) for whom I have the highest respect, and who tells us not to spend our money in fortifications, but to build more ships. I have been told by seamen over and over again to trust to ships and to ships alone. I have been told by Artillery officers that there is nothing like trained and accomplished gunners. I have been told by Line officers that our main dependence ought to be a large regular army in the field. It is a case of “there’s nothing like leather.” The Government have had to decide between these various opinions. There is some truth in all of them, but they are all carried, owing to prejudice or bias, to a degree which excludes reason. The fact is, we want a

combination of these things. It is a combination of fortifications, of ships, of men, and of gunners, which will give you the strength, I do not say to resist an enemy, but to secure you from having an enemy. We are asked whether we have done nothing else. My predecessor in office commenced a system of putting batteries at the entrance of our great commercial ports. These are not ports which are likely to be besieged, but they may be insulted and attacked for mischief's sake. He also appointed a Commission, which has since been continued, to examine all the points and positions requiring defence. The Commissioners have surveyed the whole coast of England, Scotland, and Ireland, and have got together an enormous amount of military information, which in case of hostilities would be invaluable to commanding officers. Such are the operations which have been going on under two Administrations. The amount of stores which has been collected is very great. I lately heard a gallant Officer say that he understood our great fortresses had no more than 100 or 150 rounds of artillery ammunition. It is shown by a recent return that our great fortresses, each according to its importance, have got ammunition varying from 250 up to 1,000 rounds. I do not believe England was ever better stocked with munitions of war for self-defence. I now leave the Resolution to the House. I have stated my belief that the House and the country see the necessity and acknowledge the wisdom of the measures we recommend. We have not placed ourselves blind-folded in the hands either of Engineer, Artillery, Line, or naval officers. We have had a combination of all to advise us. The works we propose are the most urgent, commencing with the sea defences, and defending the land only where the land side seems peculiarly open to attack. Those works, which will put the country in a comparatively good state of defence, will be completed for a sum which, after all, is not very large. £5,000,000 is the sum which the completion of those works will cost. The sum which will be raised for the defence of Portsmouth is not more than half-a-dozen men in the city would subscribe for a speculation to build a bridge across the Thames merely to save people from walking half a mile out of their way. The sums are not large of themselves, but they are large viewed by the magnitude of the results which we hope to obtain by them. They are not large when we look

at the enormous value of the property which these works will defend. The Government do not pretend to say that they will prevent invasion. No works will do that. No navy will do that. No army will do that. Invasion, if the landing of troops is meant, will always be possible. What we say is, let us make the points which are most vital to us, which an enemy would be sure to attack, if it were possible to attack them with success—let us make those points invulnerable. Then you may sleep safely with your heads upon your pillows. Then you will know that, as far as Plymouth, Portsmouth, and these great places are concerned, although you lose the command of the seas, they are not the places which will be invaded, and you will be able to concentrate your forces elsewhere. I believe that years hence, if these works are executed, there will be found gentlemen who will say, "We always predicted that nobody would ever land—that nobody would ever attack these places; see how your money has been wasted." I shall not be discouraged by that argument. To such remarks I should say, "The security which you have enjoyed—the immunity from the danger of attack for all these years—has been owing to those very works." Depend upon it that one of the safest things which you can do for the preservation of peace is to make attack upon you dangerous. I alluded before to what ought to be the bearing of this country towards foreign nations. I believe that it is the interest of England to pursue a wise, moderate, pacific, and conciliatory policy, but at the same time it is likewise unwise to leave a great temptation, to leave her vast property and her reputation at stake, and at the mercy of any nation which may choose to send an expedition in consequence of some diplomatic quarrel. I hope the House will feel that in making these proposals the Government is asking them to do nothing new, but only to hasten and execute forthwith those works and that system of works which one by one they have already sanctioned. With these opinions, and with the greatest anxiety as to the result of the proposals which the Government have made, I leave this measure in the hands of the House, and I leave it with confidence in their patriotism and in the judgment which they have always displayed in any matter affecting the security of the country and the maintenance of peace.

MR. BRIGHT: Sir, I have given notice of an Amendment to the Resolution of the

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noble Lord; but my hon. Friend the Member for Sunderland (Mr. Lindsay), I believe, was before me on the paper with an Amendment, not exactly of the same character, but which, if carried, would have the same effect upon the Resolution proposed by the Government. It is not, therefore, my intention to move my Amendment; but I shall take the opportunity, if the Committee will permit me, to make some observations on this question in the state in which we now find it. And I should wish to point out to the Committee that, although the Resolution which the noble Lord has placed upon the table is one of apparently a simple character, asking the House to vote towards the defences of the dockyards and arsenals, and for the defence of the ports of Dover and Portland, and for the establishment of a central arsenal, a sum of £2,000,000, and although the right hon. Gentleman who has just sat down has endeavoured to persuade the House that something like £5,000,000—he did not state it very accurately, but rather ambiguously—that something like £5,000,000 is the sum we are to decide upon—meaning that the works which are to be commenced by the expenditure of £2,000,000 may be completed by the expenditure of £5,000,000—notwithstanding that, I think the Committee would deceive itself if it were to imagine that it was now discussing an expenditure of 2 or of £5,000,000 only, because we know what was the tenor of the speech of the noble Lord in moving the Resolution. He adopted in its entirety, as I understood, the Report of the Defences Commission, and I think we know very well, from all our experience, that whenever Government undertakes any works, great or small, the original estimate is never adhered to, but is very often doubled before the expenditure is completed. I believe, then, judging from the past, that if we vote the sum now asked we shall carry out the scheme which the noble Lord has adopted with an expenditure of at least £20,000,000 sterling. And let the Committee bear in mind that in the tabular statement of expenditure there is not a single farthing put down for the internal arsenal at Cannock-chase, which the noble Lord has included in his Resolution. I know not what that may cost, but it is to be added to the £12,000,000 which it is proposed to expend, and I think it would not be an extravagant estimate to double that amount in order to arrive at the probable expenditure. But that is not

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all, because there are countless millions more involved, for in the Report there is an almost unanimous opinion expressed that you will have largely to increase your standing army, and that those very works which you are now asked to vote, will be useless in themselves unless you have some 70,000 men to man and defend them. (Sir DE LACY EVANS: Hear, hear!) The hon. Gentleman below me, who is a much better authority than I am, approves of what I say, and therefore I take it for granted that when you are asked to vote £12,000,000, *plus* Cannock-chase, *plus* the amount which the estimate may fall short of the actual expenditure, and *plus* the millions that may be necessary to support a large increase of the standing army, to give effect to these works, you are asked to vote an amount which will not fall much short of double £12,000,000. Now, Sir, I think the noble Lord at the head of the Government did the Committee great injustice the other night, when he brought forward this Resolution without a moment's notice, and when he asked us to vote this vast conclusion without any opportunity of debate or any time for considering that to which he was in viting us to agree. Now, two questions present themselves to my mind on which the Committee would do well to ask for information—the one, By whom all this expenditure is urged? and the other, What have we done already? I should like to ask the Gentlemen who sit on this front Bench whether they are unanimous with regard to the necessity of this expenditure? Whether they come before us with the authority of an united Cabinet—or whether this is some kind of compromise to enable the Government to avoid the rock, or get over the quicksand, which this question has interposed or interjected into their midst? I do not believe that the Government do come before us with that kind of unanimity which I think necessary in a great question of this nature. But if the Cabinet is not united, are the military authorities united? And if you will answer, as I know you will, I ask you whether you will willingly follow the military authorities under whose direction you are now about to place yourselves? Would you like to take those military authorities who are placed before us, with all their recommendations, to shut your eyes, and walk blindly into all the expenditure into which they invite you? I have looked into these recommendations, and I confess I am amazed at the absolute stupidity—

[*Laughter*].—yes, stupidity; if you want a word less offensive, I would say the absolute lunacy—[*Laughter*].—of the military authorities in regard to this question. The right hon. Gentleman had said that I thought he was taking a lunatic course. Well, I did take the liberty of asking him one day where he had picked up the half dozen lunatics who drew up the Report. I think there were seven of them. I will not give the right hon. Gentleman's answer. And now with regard to these military authorities. I hope the Committee will attend for a moment to the sort of things they recommend us to do. But, first of all, I will quote an expression of the late Sir Robert Peel, in 1850, on the question of military authorities. He said:

"If you adopt the opinions of military men, naturally anxious for the complete security of every assailable point; naturally anxious to throw upon you the whole responsibility for the loss, in the event of war suddenly breaking out, of some of our valuable possessions, you would overwhelm this country with taxes in time of peace. . . . It was said the other night that reference must be had by us to the warlike preparations of foreign Powers."—[3 *Hansard*, vol. cix. 767.]

Exactly what the noble Lord tells us, and the right hon. Gentleman also (Mr. S. Herbert) who says, "See what other countries are doing in regard to fortifications"—no doubt alarmed at the enormous preparations of the English Government.

"But at the same time the conduct of foreign Powers in maintaining enormous military establishments ought to be a warning as well as an example to us."—[*Ibid.*]

I am not inclined to hope that the House, much less hon. Gentlemen opposite, will take the authority of Sir Robert Peel; but there are few Statesmen who have left, for the guidance of those to come after them, wiser maxims than Sir Robert Peel. The right hon. Gentleman says that officers of the Line are for nothing but red-coats; artillerymen for nothing but gunners; and engineers for nothing but fortifications; but the hon. Gentleman below me, and other Gentlemen connected with the navy, are supposed to say that nothing is so essential as ships; and then the right hon. Gentleman admits that every one of these branches of defence is necessary; and if we take his advice, we shall at last arrive at that state that the produce of the whole industry of the country will be absorbed, under the pretence of defending that which has created it. Now, I daresay there are

several Members of this House who have had showers of military opinions brought to them by post; and had I expected this discussion to come on this Session, I should have made extracts, so that the House might see how far the military authorities were agreed. One not irrational man proposes, since we are to have a standing army, that we should have a standing navy—some 30,000 men should always be on board ship; there should be some 30,000 more in marine barracks; and there should be always ready a sufficient number of ships, so that they could all march on board at five minutes' notice; and thus you would have the country, in his opinion, admirably defended. There is a gentleman named Valentine Baker, of the 10th Royal Hussars, who has published a pamphlet, in which he states that there should be a Militia force of 180,000 men; and that there should be formed by census and by ballot a sort of National Guard of 500,000 men, who should be mustered only for one day in the year. Now, I am not one of those who think that, in considering what means of defence we have, it might not be very advantageous to have a large Volunteer force, instead of an enormous standing army. I find that in Switzerland and in the United States of America—countries, one of which is surrounded, we are told, very often from the back benches, by a most formidable enemy; and the other which marches with a high hand amongst the nations of the globe—that in those two countries there is no considerable standing army; but the whole defence of those nations is committed to a Volunteer force. Well, I have no doubt that if we had only the common sense to get rid of the noble Lord the Member for the City—not as Member for the City, but as the head of the Foreign Office—and the policy, and the jealousies, and superstitions of that Office, we might save three-fourths of all that expenditure which is involved in the maintenance of our foreign policy; and whatever you require for defences in a country populous and united like this, might be had at comparatively no expense, by taking advantage of the spirit to be found in various ranks of your countrymen. But Mr. Valentine Baker says that we must have contracts for earthworks all about London, and in these terms—the earthworks to be completed in a fortnight; and a small annual sum is to be paid to the contractors as a compensation for holding the contract. So that whenever you hear that those

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enemies, whom you are always expecting but who never come—are at last on the way, those contractors are to build the earth-works all within a fortnight. Then there are to be 20,000 men of the Metropolitan police and county constabulary armed and equipped, available for military purposes, and a Volunteer force of 250,000 men; and there are to be intrenched camps at Aldershot and at Epsom Downs, for 40,000 men each. So that, with regular troops, Militia, Yeomanry, &c., amounting to 323,000, there would be, according to Mr. Valentine Baker, a total of 1,072,000 men ready to resist invasion, and his plan would not cost a very considerable sum; in fact, a mere trifle as compared with the present expenditure. There is another officer, Colonel Jebb, who was considered, twenty years ago, a very sensible man. I have not seen him for a very long time, and, therefore, was not aware of the change that has taken place until I saw his pamphlet. He is in a state of great alarm for the safety of London. He proposes to begin at Tunbridge Wells, and to go to Reigate, or Guildford, Reading, and Henley, and I think he includes Colchester in his line of defence; and yet at the end of his pamphlet he quotes, with apparent approbation, from General Lewis, who says, that “It may be considered as an axiom that no landing can be successfully effected in the presence of 2,000 men well prepared.”

Well, I was amazed when I saw this. I think if I had said anything of this kind, I should be treated as a person utterly ignorant and foolish in these matters. And assuredly, with railways all round your coasts, and with telegraphs as numerous as your railways, there could be no difficulty in assembling, in the time taken to cross the Channel, at least 2,000 men in any part of the kingdom you might desire. But then General Mackintosh says that pamphlets have been recently published in Paris which indicate designs on Ireland, and that that portion of the kingdom could not be left without at least 30,000 infantry. This gentleman may know a great deal about military affairs, but he perhaps does not know this—that those pamphlets are published by a party who believe that there is no mode of overturning the present dynasty except by creating distrust, and afterwards involving it in a war with England. I dare say there are many hon. Members who believe that the Emperor of the French can, by the existing law, prevent any one of these pamphlets being published. [“Hear!”]

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The House does not appear to be aware of this—that the French Government, except by outstepping the law, cannot interfere with a pamphlet before it is published, though it can punish the author and publisher afterwards, if it tends to violate the law. It is not the same with newspapers; the French Government can warn the newspaper before it is published, and after three warnings they can suppress it; but there is no such law with regard to pamphlets; and these miserable pamphlets, which are quoted as proofs of the hostility of the French to England, are the productions of persons not favourable to the French Government, but of those who are anxious to create distrust, and then war, between England and France, in order to set upon the throne some one of those two branches of the family now in exile. General Mackintosh says that there must be forts at the north of London, inclosing Hampstead and Highgate; and he further says—which cannot be very consolatory to my hon. Friend the Member for Lambeth—that the north of London is in much less danger than the south—because the bridges over the Thames could be broken down, and the north of London could be defended much longer than the south. I do not find that in the proposition of the noble Lord there is a recommendation that this advice should be adopted, and as the noble Lord is not a great military authority, and in politics is frequently mistaken and in error—I will form my own judgment where there are so many contradictory opinions. I shall give a few more extracts from persons of importance in military circles, and I ask the Committee what is the authority they will follow—how far they will go—and how much money they will spend on this evidently impossible undertaking? General Sir Robert Gardiner is acquainted, I presume, with fortifications. Only the other day he was Governor of Gibraltar. As a statesman and as a Governor there, I do not think he has shone with very great lustre; but, nevertheless, he may know a great deal about fortifications. Sir Robert Gardiner has stated his opinion in a pamphlet, which he has sent about most industriously. He did not, I suppose, believe that I would read it, and, therefore, he sent me a copy every week. He is quite mistaken. I pay great attention to gentlemen when they are speaking of something they understand, and I therefore paid attention to what Sir Robert Gardiner said on a subject of this

nature. General Sir Robert Gardiner, in a pamphlet, says that an expenditure of £20,000,000 will not be sufficient for additional fortifications; while for the pay of a numerically adequate army and navy, an annual increase on the present estimates of £4,000,000 is, he maintains, necessary. Lieutenant General Kennedy is, I believe, a gentleman of great reputation; and in a new edition of his pamphlet just published, he proposes to fortify London by surrounding it with a line of forts—(this is a quotation from his pamphlet):—

“Each armed with, say, 40 guns, and with, say, 500 men, extending in a circumference through Hammersmith, Wormwood Scrubs, Willesden Green, Hampstead, Highgate, Tottenham, River Lea, till its junction with the Thames, Deptford, Lewisham, Sydenham, Upper Norwood, Streatham and Wandsworth.”

There is a good deal before us if we embark in this new undertaking. A writer in *The United Service Magazine*—who, I presume, represents the combined authority of the army and navy—declares that the steam navy alone required should consist of no less than 1,056 vessels of all sorts, of which we are at present deficient, 100—no, 101, for he is very minute—screw line-of-battle ships, 6 blockships, 74 steam frigates, 67 steam corvettes and sloops, 7 floating batteries or rams, 266 gunboats and 86 mortar vessels. That is published in *The United Service Magazine*, read, I presume, in military circles, or—supposing the editor not to be in a state of absolute idiocy—it would not be published in that periodical. Finally, the anonymous author of a pamphlet, entitled “*Invasion Rendered Impossible; by a Member of the Royal Naval and Military Institution*,” proposes to render invasion impossible by placing permanently along the open beaches, at the mouths of rivers, all round our great roadsteads, in front of all our sea-coast towns, and wherever insult may be given and defence is necessary, long 32-pounder guns—at a distance of 30 yards apart from each other, a little above high-water mark. This would give 60 guns in every mile. Each gun is to be manned by one captain and 10 men, the crews to consist of paid volunteers from the towns and villages on the coast and a few miles inland. Now, assuming that 300 miles of the coast line of Great Britain would need defending, 18,000 guns would be required. And as there is to be a captain and 10 men to each gun, we should want, of

course, 18,000 captains and 180,000 men for that operation alone. I have diminished, or let down, his statement very much, and no doubt he may think I did injustice to his patriotism, for I have taken the 300 miles to which the Report of the Commission refers; but I believe he spoke of the whole coast line of the country, and did not confine himself to 300 miles. But we have an authority on the subject across the Channel. In Belgium a pamphlet has been published, which no doubt has been sent to many Members of the House—they all come to me. It is written and published by M. Brialmont, who published a *Life of the Duke of Wellington*, and whose father is a great military authority, and is said to be the oldest officer in Europe. What does M. Brialmont say? He has not to pay for our defences, and no doubt wishes to see this country in a proper state of defence—so that he may be regarded as an impartial witness. He says there must be an increase of fortifications at Chatham. The Defence Commission thinks it not practicable. Secondly, he says we must construct a new fortress at Guildford. Thirdly, he says, we must create a great dépôt, with a vast entrenched camp, at Croydon, ten miles from London; and that then, “with reorganization of the English army on the base of the conscription, England will be invincible at home.” His plan, in brief, involves “augmentation of the permanent army and the creation of a grand strategical pivot in the south and in the neighbourhood of London.” That is what he proposes. Now, I come to what our own Commission proposes. Allow me to mention as briefly as I can what this Commission states; they do not leave us in much doubt of the dreadful apparition they are about to present to us. They state that having carefully weighed the subject, they are of opinion that neither fleet, nor army, nor Volunteers, nor even the three combined, can be relied upon as sufficient in themselves for the security of the kingdom from foreign invasion, and they go on altogether on the most desponding principle throughout. They assume that there will be a grand combination of all the maritime nations of the earth against England. Well, if we pursue the policy which the right hon. Gentleman has spoken of, and which the Government have as yet adhered to—namely, a policy of great justice and courtesy in dealing with foreign nations—that combination of maritime Powers is

absolutely impossible. They talk of a sudden naval combination against this country. There can be no sudden naval combination. How long does it take to negotiate the smallest and most inconsiderable matter? Do we not know when the post arrives—nay, long before it arrives, and before the hand of the clock can mark here what it has marked eastward—what are the negotiations, or, if you please, the plots and conspiracies that are hatched in every Court of Europe? We know all this by telegraph, and yet these seven gentlemen talk of a sudden naval combination against this country. They say, “every coasting vessel and fishing vessel would be available as a transport.” But surely an enemy is not coming over here in a couple of hours by these means. He must either come by steam or not; and if he does not come by steam he certainly will not cross over very rapidly. The right hon. Gentleman says that there never was anything so carefully drawn up as this Report. For my own part, I never read anything of an official character so incoherent, illogical, and absurd. They say,

“With the power of combination which steam now affords, such a force might be assembled before daylight upon any point selected for the attempt, and thrown on shore in two or three hours.”

That is just the sort of stuff that fills up the columns of *The Morning Advertiser*. Only think of seven gentlemen—Generals, Admirals, Captains, F.R.S.’s—or anything else, putting in a Report to be offered to the Queen and to Parliament, a paragraph of such monstrous absurdity as that which I have now read. And then they say that “without secure ports in which a fleet can find refuge in case of disaster,” there could be no security. The whole Report goes upon nothing but disasters. You should have in the annals of 300 years nothing but naval disasters to justify the statements in the Report. With an attempt at something like fairness, which only makes the matter worse, they say, “doubtless the defence would be somewhat aided by railways and telegraphs.” When they want to tell you what France can do, they point out how telegraphs and railroads may be rendered useful; but when they tell you what you can do, they merely say, “doubtless the defence would be somewhat aided by railways and telegraphs.” Why, the whole thing was a foregone conclusion. They need not have stepped out of the War Office, where

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I presume they drew up the Report; they might say all these absurd things, and take them from any newspaper in London, without having made any scientific inquiry at all. The noble Lord has put in his Resolution a passage respecting works for the protection of the harbours of Dover and of Portland. These Commissioners say in their Report respecting the defences of Dover that if works were not already erected there they would recommend no defences at Dover. But having got there what will not defend anything, they propose to expend £335,000 on defences that are not necessary and are of no value. They say further—I beg the noble Lord’s attention to this, for though I oppose the whole scheme, and though he will not agree to my suggestions, I would wish he would take something out of it that is utterly absurd—they say that Dover, being a harbour of refuge, it must necessarily have defences. But why defend a harbour of refuge, as if they were thereby rendered especial objects of attack? Ships do not come there to make a permanent stay. Ships come into Dover in case of storm; and that is what Harbours of Refuge are for, and when the storm is over they pass on on their voyage, and there can be no object in view in expending £335,000 for that purpose. They tell us there is no naval establishment at Portland, and that as far as they know it is not intended to have one there; and yet they propose to expend £660,000 on the defences of the roadstead and Harbour of Portland. I will turn to the evidence given before the Commission, and I think that Gentlemen accurately informed on military matters, and familiar on all those points, should have gone over the evidence, before they gave to the House pictures of such gross and ludicrous inconsistency. Colonel Bingham is examined, and an hon. Friend behind me says he is a very distinguished man, and I express no doubt about it—they are all very distinguished men. He tells us that 72,000 trained men and 108,000 untrained men will be required for the defence of the dockyards, arsenals, towns, and batteries on the coasts. He does not tell where they are to come from. There are now mounted, he says, upwards of 3,000 guns, and that during the present year there will be added 1,000 more. But he tells us more than that; he tells us we have no men to work the guns already mounted. Yet according to the tabular statement of the Report 2,000 more guns will be added.

Colonel Bingham says that we shall have in all 6,000 guns, and it will require 29,000 trained troops and 36,000 auxiliaries in addition to all those you at present have to make those guns of any avail. You are asked to spend all this money, though officers who can have no prejudice against the plan, but may have a professional bias, tell you that you have more guns and fortifications than you can make available by any number of men that you have now. From the evidence of Admiral Sir Thomas Maitland, Captain Sullivan, and others, it appears that "no forts could prevent iron-plated ships going in and destroying arsenals." Sir John Burgoyne, a great authority, and a man of undoubted frankness and honesty, says it is impossible to protect Portsmouth against long range guns, without fortifications of 30 or 40 miles' development, and he would prefer to trust to an army in the field. But then again I was talking yesterday with a gentleman who does not appear to stand very high in the favour of the Secretary for War, but who is, I believe, the first engineer and machinist in these matters. Mr. Whitworth, of Manchester, told me last night that he would undertake to throw 70lb. shells filled with molten iron six miles—he believed seven—but he would guarantee six. The whole system of warfare is about to undergo a change—as great, probably, as the change that took place when gun-powder was first used; and yet you have the Government in its fussy activity, not having the courage to tell the people the truth in this matter, rushing day after day into all kinds of absurd expenses, not knowing but that twelve months hence they will be of no effect, and must be done over again. They claim to be great patriots, and to be anxious for the interests of trade. I should know the value of preserving Liverpool or Manchester, or Birmingham, as well as the noble Lord at the head of the Government, and I am one of those who believe that at a time like this, when these remarkable changes are taking place, which will make war ten times more destructive, or—which may Heaven grant! may make it impossible—the course of an honest and economic Government should be, to go on slowly, cautiously, and inquiringly, and not commit themselves to a vast expenditure, which twelve months' experience may show to be of no value at all. We have had also a Committee besides those seven Gentlemen, and the name of the Duke of Cambridge stood, I believe, at the head of the list. I should

like to tell the Committee what those gentlemen have stated, in order that we may know whither we are going. They say:—

"Measures are being taken to increase the Channel fleet, and the public mind is satisfied that this, the first line of defence, is being put into an efficient state; and, doubtless, it will be equally satisfied that the fortifications proposed by the Commissioners will, if efficiently garrisoned, place the arsenals and dockyards beyond the reach of sudden destruction by a hostile force, either by land or sea. Further, if the regular force of the country were brought up to the required strength, a like confidence would be felt in our ability to meet an enemy who may have succeeded in effecting a landing in force upon our shores. Seeing the altered circumstances produced by the introduction of steam, which has necessitated a larger military organization than has hitherto existed in this country, the Committee consider that they would be shrinking from their duty, if they did not bring forward on the present occasion their opinion as to the insufficiency of the present strength of the regular army, and they trust that it will be admitted to be wise and prudent to place it on a scale corresponding to that of the other branches of defence; for it can never be forgotten that, however essential and valuable the Militia and Volunteers may be, they can only be treated as reserves and auxiliaries to meet the great emergencies which may arise."

It is their opinion that the army is of very insufficient magnitude. They express their opinion of the insufficient strength of the army, and think it is wise and prudent to place it on a scale corresponding with the other branches of defence. Do they mean that your army is to be placed upon a scale corresponding with your navy? The power and magnificence of your navy is judged of in comparison with the navies of other countries. Do they mean that the strength of your army is to be equal to the strength of your navy; and are you to exceed other countries in your powers of defence by your army as much as you do by your navy? The noble Lord does not think they mean that. Perhaps they do not. But when men of this character bring forward Reports of this description, calculated to involve the country in a vast expenditure and an increase of the taxation of the people, they ought at least to define what they do mean, and they ought themselves to understand it, in order that we may know what we are asked to consent to. They say further that these said Volunteers, about whom we have heard so much—and really we hardly know some of our acquaintances in them in their strange dresses—will not be sufficient. "It cannot be forgotten," they say, "that however efficient Militia and Volunteers may be they can only be depended on to meet emergencies as they

arise." Therefore, all these fleets, all these fortifications, and all this increase of the army is not to meet emergencies that may arise; but they are to be for the ordinary defence of the country. I suppose, then, that the Volunteers and the Militia are to come in when the great emergencies turn up. Then they say further that they cannot conclude their observations without drawing attention to a subject not included in the instructions to the Commissioners, and they advert to the possession of the Channel Islands, and "the seas surrounding them"—mark the absurdity of this language—as a naval station, which they consider to be so material to the command of the British Channel as to form an important element in any general scheme of defence for the United Kingdom. See the absurdity of this language! I ask again, when we are invited to consider these things, where are you inviting us to go? But if there be needed any absolute proof of that particular quality which I ascribe to these seven Gentlemen, I have it in the letter which they wrote, no doubt with an immense official seal, and with a great parade of authority, to Lord Overstone. Lord Overstone has been reputed to be an authority upon certain things. He is believed to be a man of prodigious wealth, and I fear he is like many men who, having got rich, as they get older become extremely timid—especially if they were never very robust. This is the question which they asked Lord Overstone. I have no doubt most Members have read it, but still it cannot be read too often—which is a thing you cannot say of everything that is written. They say, "We ask your Lordship's views." Now, if Lord Overstone had not been a Lord, and if he had not been a *millionaire*, it is quite clear they would not have asked his opinion at all. Yet every man knows perfectly well that the fact of a man being a Lord, and of being a *millionaire*, makes him no authority whatever upon the great question of national defences. "We ask your Lordship's views of the immediate effects upon the commercial and monetary affairs of the country that would follow the landing of an invading army?" And they add, "Especially would such a state of things be compatible with a continuance of the ordinary operations of the Stock Exchange or of commerce generally?"—I take it the Bears would have the best of it—"Would not a wide-spread collapse and suspension result? Would the evils of

such a state of things be so intolerable that the people would force the Government to peace at almost any cost of honour, or wealth, or future greatness?" Now, what is the answer of Lord Overstone? He says with a simplicity that is absolutely charming—he says, "Money would be withdrawn from the savings banks, from country banks," and then the shop peeps out, for he says, "and from all parties holding money at call." He says further—and here he shows some discretion—"It is useless to discuss what will occur, or what can be done after London has fallen into the hands of an invading foe." I am thankful I am not a Lord or a *millionnaire*. These gentlemen might have asked me these questions, and possibly I might have been tempted to make such an exhibition of myself as Lord Overstone has made in these answers; but I am thankful not to be in so distinguished a position as to be asked to give an opinion upon such questions. I want, however, to ask the Committee this: The right hon. Gentleman (Mr. Sidney Herbert) speaks as if he thought these were not questions that could be debated, it is so obvious that what the Government asks us to do is the right thing to do. I would ask, is there any other thing in the world you could be asked to do that you would undertake to do upon counsel such as that I have just read? It seems to me like some dozens of doctors coming in to discuss what shall be done about the health of a man of whom there is no pretence to say he is ill; yet the doctors, every one, must insist upon writing a separate prescription for him. I think the man, not being sick, having only an imaginary complaint upon him, would be quite justified in driving the doctors to the door; and I should say, as with regard to these men, that nothing can be more confused than the counsel that is now offered to us. They do not tell us we shall have any greater security, after we have done all they wish, than we have already. Every man among them says, "If you do not do what I propose, you will have no security," yet nine-tenths of all the things they propose to you to do will not make you secure. After all you will have no greater security than you have, and you will have no diminution of panic, yet you will have interminable expense. That is certain and indisputable. Having asked the Committee to follow me through our advisers' advice as to what we ought to do, I will ask them now to look at what has been

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done—because we are not now considering a state of things wherein nothing has been done for the defence of the country, or wherein nobody has paid any taxes for that purpose. All the accumulated wealth of the country is not left in the pockets of the people. That is not our state. Now, if we go back for twenty-five years, we shall find we have trebled our military expenses during that period. In 1835 our naval and military expenditure was £12,000,000; in 1853, it was £15,000,000 or £16,000,000, and in 1860 we have voted about £30,000,000. But is that enormous charge any pledge of security? Not the least. Neither in 1835, nor at any other period since that time, has there ever been any of that feeling of insecurity which has existed of late. It is clear, then, that the addition of £16,000,000 of annual expenditure upon the army and navy has not done one single thing towards bringing us any nearer to security, or towards satisfying the pressure of the services upon the Exchequer of the country. The noble Lord quoted the authority of the Duke of Wellington. The Duke of Wellington did a great deal for his order during his life, and somebody persuaded him to leave them a legacy, when he died, in the shape of a letter, which, if he had been twenty years younger, he never would have written. I would rather trust what the Duke of Wellington did in 1835, when he was younger, than at the period when he wrote that letter. What did he do? He brought in these moderate Estimates—he was not afraid of popular opinion, and he and Sir Robert Peel brought in those Estimates because they believed them to be sufficient for the public service. But if you want to know the change that took place in the Duke of Wellington's mind, come down to 1851, a little after the time when he wrote that letter; and what did he do then? That was the year of the Great Exhibition. The Duke of Wellington at that time, as everybody knows who knew anything about him, had become what many of us will become when we arrive at that time of life—he had become more nervous and more irritable than when he was younger. He fancied the country was running into great perils at the time of the Great Exhibition. He had a vision of that class of Frenchmen of whom the noble Lord has seen something lately. He had a vision of Frenchmen—refugees, I suppose; he thought that everybody who was discontented upon the Continent would come here, not to see

the Exhibition but for the purpose of de-throning the Queen, turning the House of Lords into the Thames, and overturning everything that Englishmen hold in estimation. And what did the Duke, under such influences, advise? Why, that as many troops as could be got there should be drawn round London; and I believe that 30,000 men were collected, gradually and quietly, so as not to alarm those Frenchmen, who knew nothing at all about it, in order that they might be ready to save the Queen and the Court when they went to open the Exhibition. That is a fact. I say, therefore, that I am not bound, and I will not be bound, to take the opinions of the Duke of Wellington, or any other person, when I see such inconsistencies in him, and when he was at a time of life and surrounded by circumstances which must have great influence upon the soundness and clearness of his judgment. The noble Lord in his speech—and I find great fault with that speech, because I am sorry to say it has contributed very much to create false impressions in the public mind—mis-stated facts; for he said, “We know that the utmost exertions have been made, and are still making, to create a navy in France equal, or very nearly equal, to our own.” I suppose the noble Lord spoke then without knowledge; at all events, I am quite sure he said that which he cannot know to be true. These are the facts, and they are not disguised by the French Government. The English Government will not allow foreigners, nor even Englishmen, to go over their dockyards to see what is going on; but in France there is the utmost frankness and freedom in this respect. And what are the facts? It is within the last three years that these disturbances and alarms have so much increased; yet in 1858 the number of men in the French navy was only 30,000, while in the English navy it was 59,000, or nearly double. In 1860 the number of men in the French navy was 30,500 men; but the number of men in the English navy had been increased to 84,000 men. In the last three years, therefore, you have added 25,000 men to your navy, or a number nearly equal to the whole number of men in the French navy. Is there any one in the House who will deny these facts? Then, in 1857, it is notorious that the French Government adopted a scheme which they published to the world; it was, that they would make certain changes by which they anticipated that in fourteen years they

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would have 40 line of battle ships—15 of the first and 25 of the second class. That is the scheme they are now proceeding with, and there is no disposition whatever to conceal it. But there is another proof of it. What is expended upon the French navy? Their budget shows an expenditure upon it of £5,600,000. It is quite possible that, in particular years, they may go beyond the budget; if you like, then, add £1,000,000 to it, and call it £6,600,000. But, if you do, the sum does not amount to nearly one-half of what you spend upon your navy. Is the country which builds ships at greater cost, which puts engines in them at an excessive cost, which has not half the means of producing these instruments of war that we have—I say is it possible that France can have a navy, as the noble Lord says, “nearly equal to ours,” when their expenditure is only £6,000,000 against ours, which is between £14,000,000 and £15,000,000? If that be so, then the enormous expense of our navy as compared with that of France is one of the most disgraceful circumstances the country has to complain of, and the noble Lord the Secretary to the Admiralty, and the Board connected with him ought to be driven from their offices and somebody put in their places who will spend the money of English taxpayers more economically, and with better results. We have had some examinations with regard to Cherbourg. The panic that once prevailed about that place is now passing away. A friend of mine has sent me a copy of a very important publication upon these matters—a copy of the *Army and Navy Gazette*. He has marked several passages in it. Some correspondent of the paper has been over to Cherbourg; and he was allowed to see everything. There was no objection to his going everywhere; and what he says is this:—

“At present, as far as we can judge, Cherbourg occupies a position of defence rather than of aggression. There is indeed very little appearance of active preparation in the arsenal; nothing to indicate an intention of immediate action in war.”

He says, speaking of a particular fortification:—

“One solitary mason was visible near the crane, and a small sloop was lying alongside the little quay of the fort, but no other sign of life could be seen. The Digue stretching away towards the right with its long line of barbette guns seemed equally lifeless.”

Then he describes the facility with which everything was shewn to him; and he saw

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that frigate *La Normandie*, which has frightened several Admirals in this country, but which is not in a state of completion, and is not very likely to be so.

“What is the name of that vessel?” said we to our gendarme. “That is *La Normandie*,” said he. “She is to be covered with a cuirass of steel plates which will resist cannon shot.” “Is this one of the *frigates blindées* of which we have heard so much?” “Ah, yes, it is.” “But she is not ready?” “No; but *La Gloire* is very nearly completed at Brest or Toulon.”

No doubt if we went to Brest or Toulon we should find *La Gloire* in the same unfinished state, and if we remarked upon it, should be told “Ah! she is not completed, but *La Normandie* is at Cherbourg.” I should not be surprised if my hon. Friend below (Admiral Napier) should say this was the sort of argument always used. But, as this correspondent says, everything is lifeless. Everything is quiet; but when you go to Cherbourg, they tell you it is different at Brest or Toulon; and when you go to Brest or Toulon they tell you it is very different at Cherbourg. Go to Cherbourg, or Brest, or Toulon, and you will see what you will see. Yet, this is the sort of argument we are always met with. It is precisely the same sort of delusion as that of a person who always imagines he is going to be poisoned. I know a case where a gentleman imagines that at any hotel he enters they want to give him bread that is poisoned. One day he went to that beautiful hotel at Derby. “Did you not observe,” said he, “the bread they gave me?” “No.” “What! did you not observe it was poisoned?” “No.” “Why, wherever I go I find the bread they give me is always poisoned.” So it is with the Gentlemen who argue this question. The ships and the men are everywhere with them, ready to come over upon us, though nobody can ever find them in the condition they are described to be in. It is no use to argue with them. The idea has got into their heads just as it got into the head of that unfortunate lunatic; and we find ourselves just as unable to eradicate in the one case as in the other. Then I am told, “No matter—all sorts of madness except that which is incurable comes to an end;” and I am to suppose that the madness of Parliament and of the noble Lord and his Colleagues will come to an end. It is not worth while to try to persuade men who are determined to believe they are right. The right hon. Gentleman the Secretary

of War has just thrown a reproach upon the people on this question in such a way that I am prepared to denounce it as not only hypocrisy, but as a crime. He says, "Do not the people pay the taxes readily? Are they not therefore in favour of all this expenditure?" Why, who has been more instrumental than the right hon. Gentleman in creating this feeling? If the people believed they were about to be eaten up by another people coming from the other side of the Channel, and that £2,000,000—only £2,000,000—would save them from the consequences, is it likely they would contest the Vote? But I say that the fact that they do believe so is to be attributed to what I will call the contemptible cowardice of Cabinet Ministers in this country. Among all the people I have known, I have never seen more of that quality displayed than I have among those who have filled Cabinet offices. ["Oh!"] Yes, I say they will follow a cry that they know to be utterly baseless, they will squander money in obeying it, and they will never find courage to tell the people the real truth of the matter. Who is to blame? I am not going to divide the blame between the right hon. Gentleman opposite and his Colleagues, and the noble Lord and his Colleagues. They are both much in the same boat; they are both very much tarred by the same stick. But what did the right hon. Gentleman and his Colleagues do last year when they were in office? The Italian war occurred. Austria for years had been stupid; Sardinia for years had been restless and ambitious; and everybody saw that a collision would come between the two Powers. The collision took place. France interfered, and marched into Lombardy. The French policy was the policy of England; but England did not choose to go to war or to interfere. Most wisely this was her choice. But I will undertake to say that the vast majority of the people of England were of opinion—and we know the Government are of opinion—that it would be very desirable the Austrians should be on the other side the Alps, and Italy free from every foreign Government. It was, therefore, the policy of England that the French Government entered Italy to carry out. But what did the right hon. Gentleman the Member for Buckinghamshire and his Colleagues? Why, they took the best steps they could to create alarm through the country; they said it was necessary to be prepared for any emergency; nobody knew what was about to

happen; the active Monarch who had marched a great army into Italy might be expected immediately afterwards to march a great army into England. ["Hear!"] I hear some one cheers that. It is difficult to conceive any alarm more absurd than that. It is not very likely that even French soldiers, much as they can do, can be in two places at once. Every man in Europe felt that, except certain people in England, the fact of the French troops being engaged in Italy made it infinitely less likely they could possibly contemplate coming over to England; and yet the moment the war began all kind of alarm was created. The right hon. Gentleman the Member for Droitwich (Sir John Pakington) took great credit for—I was going to say the profligacy, but I will say the profuseness—with which he expended the money of the country in increasing the navy, which was, I suppose, to keep back soldiers who were then probably on their march southward across the Alps. But the French were triumphant, and the policy of England was successful in Italy. There was no hostility to this country, and yet England armed, and still arms, and from that time to this she has been continually arming—and any excuse has been held to be sufficient to hoodwink the people and make them content with the extra taxes that have been imposed upon them. Then we had had a change of Government, and the noble Lord the Member for Tiverton came in. He always does come in. Very soon after the noble Lord came in, we had a debate in this House to which I have already referred. It was opened by the right hon. Gentleman the Member for Buckinghamshire, and he was followed by the right hon. Gentleman the present Chancellor of the Exchequer. I took the liberty of addressing the House after them, with a speech in which I recommended them to enter into commercial arrangements with France. Now, I will just give the House an extract from the speech of the noble Lord at the head of the Government upon that occasion, and also an extract from the speech of his colleague, the Foreign Secretary, and then I ask the Committee whether it is fair that great interests should be trifled with by gross inconsistencies of this nature. The noble Lord at the head of the Government on that occasion said this:—

"I feel assured that nobody can fairly refuse to acknowledge that the Emperor of the French has been the faithful and true ally of England, both

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in times of peace and of war, and that we have every reason to regard him as a monarch who feels personally, and upon system, desirous to cement and perpetuate the alliance which subsists between his country and our own.”—[*Hansard*, vol. clv. 211.]

What did the noble Lord, the Foreign Secretary, his colleague, say :—

“I feel with my hon. Friend (Mr. Bright) that there is something dangerous, not in the present disposition of the Emperor of the French, or in the present disposition of the French people towards this country, but in the constant endeavours made to excite in the people of this country jealousy or alarm, as to some deep plot laid against our peace and security. That fear is readily imbibed. The people are urged to prepare to defend themselves when there is no cause, and I must say that, bad as are wars of ambition, wars of panic are equally bad. I believe that whatever reproaches may be cast upon the Emperor of the French as to the various questions of his domestic and foreign policy, yet that as regards this country—and I have often repeated it—he has been a faithful ally to us; and I believe also that upon any great question which may arise, his wish is to obtain the concurrence and approbation of the people of this country. . . . What must be the effect, then, of this continual invective and declamation to the people of this country to ‘arm,’ ‘arm,’ as if an invasion were certainly to be expected?”—[*Hansard*, vol. clv. 204.]

Now, I do not blame the noble Lord (Lord John Russell) for having exhorted the people to arm, or by anything that he has said for creating and exasperating, if I may so speak, the excitement that has been occasioned; but I say the whole speech of the noble Lord at the head of the Government the other night was a speech exactly of that character that would require the observations and the condemnation which the noble Lord (Lord John Russell) gave in the paragraph I have just read. And what can be more extraordinary than the course of the Government upon that occasion? Both the noble Lords upon that occasion objected to my proposition of a commercial treaty. Well, immediately afterwards—very wisely—they made a commercial treaty. But, at the same time, after declaring with unanimous consent their confidence in the good intentions, not only of the French people, but of the French Emperor, yet from that time up to this they have been doing all they could to arm against him, as if he were an enemy. Things go by contraries. They did that which they condemned in the case of the treaty. Very wisely they have taken a policy in regard to that question wholly in opposition to that which could be anticipated from the observations they made in

those speeches. What have they done during the autumn and winter? I am not going to quibble with the Committee for a moment as to whether there should be a fort more or a fort less. I am speaking now upon the great policy the Government are pursuing—a policy which they are constantly asking Parliament to unite with them in. What has been their policy during the autumn and winter? Very soon after they came into office that unfortunate transaction happened in China. They immediately entered into partnership with the French Emperor for the purpose of restoring, I think they call it, the *prestige* of the English arms in the Chinese waters. They invite the French Emperor to send a large force to the East. Why, I should have thought it was the object of the English Government—having, as they say, great interests in the East, partly political and partly commercial—not to invite any of the European nations to send forces into that quarter of the world. But they invited the French Emperor to send forces to the East; they joined their negotiator to his; they sent an hon. Friend of mine, a Member of this House, to Paris for the purpose of negotiating a great treaty of amity, and at the same time they arm with the greatest vigilance and the greatest energy against the very man with whom they are on such intimate alliance in the East, and with whom they are negotiating a treaty of amity at home. I say nothing can be more grossly inconsistent, more hypocritical, and insulting, at once to the people of England and to the people of France. Let us take a short and impartial review of the transactions which have taken place between this country and France within the last few years; and I tell the Committee frankly that I use the same language, and I feel the same sentiments as I should if it was not a Bonaparte but Louis Philippe who was at this moment upon the throne of France. When the Republic was overthrown, the news was received almost with acclamation by many Members of this House, and especially by Gentlemen sitting on the opposite side. The noble Lord at the head of the Government rushed with hot haste to congratulate the Emperor of the French, then the President of the Republic, upon what had taken place. He applauded it, he supported it, and he gave all the support that could be given from this country to that act and that policy. In 1853 the Government broke with Russia, and dissolved an

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alliance of long duration. We entered into a new alliance with France, and for purposes connected with what was called the Eastern question. In 1854 war was declared against Russia in alliance with France. I recollect the noble Lord at the head of the Government at that time telling us what wonderful harmony existed between the Government of France and the Government of England. He used this expression—"In point of fact, there is but one Government and one Cabinet," and so united were they, that some people said the union was too hot to last. In 1856 there came the termination of the war—a war which the noble Lord and his colleagues had dragged the Emperor of the French into—and out of which the Emperor of the French dragged them. That, I believe is not denied. ["Oh, oh!"] "Hear, hear!"] Well, I understand hon. Gentlemen opposite, and many others, thought the peace was made too soon. I want to show how closely we have been allied, and, therefore, how false must be our conduct in our alliance, or in our armaments. In the autumn of 1856 we had a joint quarrel with Naples, and both France and England withdrew their Ministers from that Court. In 1857 we had the China war again, and were united in operations there. In 1859 we had the Italian war, and the opinion here was almost entirely against Austria, and the English policy was supported in Italy by French arms. Now we come to the Peace of Villafranca, and English policy has ever since prevailed in Italy. It must be obvious to everybody that the course which the Emperor marked out for himself at that peace has not been followed, and that the policy of the noble Lord at the head of the Foreign Office has been followed in Italy; and State after State, Parma, Modena, Tuscany, and the Legations have been added to Sardinia, contrary to the opinion and wish of the Emperor of the French. Well, that does not show that the Emperor of the French was hostile to this country, but rather that he endeavoured in everything he could to meet the views of the English Government, and to carry out a policy in accordance, to a large extent, with the policy of England. I will not go into the question of Savoy, which the Government endeavoured to make a great question, but which all Europe was unanimous in deciding upon to be a very small question; but, big or little, the English Government knew the conditions on which Savoy was to be annexed

to France. They insisted on certain conditions—on the annexation of certain States to Sardinia—and they thought they could prevail upon the Emperor to give up the annexation of Savoy. But it was folly to expect, after a monarch had carried on a war, and had been successful in it, that he should surrender every portion of his policy. He allowed you to make the annexations to Sardinia; but he did not allow you to frighten him from the annexation of a petty province to his empire. Well, now, we have this question of Syria, in regard to which the noble Lord gave us the other day what I think was a very frank and proper explanation—so far as we know anything about it, and it led to this conclusion, that the Emperor of the French had behaved with the greatest possible moderation and frankness towards the English Government. [Lord JOHN RUSSELL: Hear, hear.] The noble Lord assents to that. The first thing he did when the idea of the necessity of intervention presented itself to his mind, was to ask the counsel and the concurrence of the Government of England. That does not show any hostility or treachery, or any anxiety to aggrandize himself, or to take a position isolated and independent in the affairs of Europe. Then, I say, that being so, it would be but fair that we should act as if we thought there was in his conduct that which was sincere and honourable to this country. And, now, Sir, we have got stronger proof in that very commercial treaty, of which some persons still affect to think lightly, but which all those connected with the commerce of France and England believe to be the most important measure of peace and commerce which has ever taken place between those two nations. That treaty has its friends and its foes; but the foes of that treaty, in my opinion, if they understand its provisions and its probable effect, are the foes of peace, and the foes of the two nations between whom that treaty has been negotiated. I say that those who write in this City, apparently to embroil the two nations, who are not Bonapartists certainly, but more likely Orleanists, constantly attack the treaty, although there is not a single deputation from all the trades in England which have been before that Joint Commission which has not returned not only satisfied, but delighted with the opening prospects of trade in all its branches between the two countries. I said I should make an observation upon the noble Lord's speech, but it will

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be very short. I say the noble Lord might himself have brought forward this very proposition—a proposition I entirely condemn—but he might have brought it forward in a manner much less injurious than that which he adopted. I do not believe that the Gentlemen sitting with him can approve of that language, and I am sure that the great body of the Members in this House do not. I have never heard from any person outside the House but one opinion, namely, of regret that the noble Lord should have used language which was calculated to create panic in England, and create excitement and distrust, and, it might be, passion in France. Now, I shall ask the House one question before I sit down, and that is whether this expenditure that we are now discussing is to be without limit, and whether the House, contrary to the opinion of all other men who have ever sat as representatives of a nation, is of opinion that it does not matter in the least how much money we throw away in military establishments every year. How has this change come about? It all came about since the year 1853, when the floodgates of passion were opened, and from that time to the present the Exchequer has been open, and every man, it appears, has been allowed to put his hand into it, and spend just as much money as he likes. Up to that time it was boasted that the reign of Queen Victoria was to be a reign of peace. We were told that—

“No war, or battle’s sound,

Was heard the world around;

The idle spear and shield were high up hung.”

But since then the Court seems to have its chief occupation in connection with military affairs—reviews in Hyde Park,—reviews at Aldershot,—shooting matches on Wimbledon Common—all these are occupations which for a long time have been foreign to the English Court, and for which I believe in my conscience there is not a particle of justification at the moment at which I am speaking. The people are stimulated to arm, the Cabinet is constantly devising new modes of expenditure, and all this appears to be based upon the ignorance of the people, the clamours of the services, and the want of courage in the Cabinet to speak the real truth to the nation. There was a great Minister of Queen Elizabeth’s who once declared—and with great truth—that England would never be undone except by a Parliament; and I fear the course we are taking, in our utter negligence with regard to matters to which I have alluded, and with

reference to our expenditure, is tending to that which we understand by the undoing of a nation. You are told at this moment, after £30,000,000 have been voted for the service of the country, that you are not safe. You are told that in another year—not in case of war, but in a time of peace—you will see the Votes still higher. You have voted this year for all the services of the Government and for the payment of the interest of the debt, a sum exceeding £73,000,000 sterling. My hon. Friend the Member for Lambeth (Mr. Williams) has devoted much time in calling the attention of the House to this extravagance, but altogether, I am sorry to say, without effect. But suppose you were to place all this taxation upon the persons who have £100 a year and more—that is, upon the income tax payers—it would actually absorb and extract about one-third of the whole income of all the people of the United Kingdom; because if 1*d.* gives £1,000,000 of income tax, £73,000,000 would require 73 pence in the pound, or 6*s.* 1*d.* of income tax; and, therefore, within a little, it would be one-third of the whole income, and consequently of the whole property of the population of this kingdom having an income of £100 a year and upwards, which you take from them and give to somebody else, and which you put into this Exchequer, of which the right hon. Gentleman, the Member for the University of Oxford, is supposed to hold the key—but which I believe is being rifled from day to day, and from Session to Session, against his will, and he has no power probably to withstand it. An hon. Gentleman says—“Why does he hold the key?” No doubt there are Gentlemen who would wish to hold the key themselves. I should be very glad to see him surrender the key if anybody with a firmer hand would lay hold of it in his place. But there is a country where Englishmen live and where this expenditure does not take place. I have lately read a speech of wonderful power delivered by Mr. Everett in the United States, a speech which was in answer to a speech made in “another place” attacking the American institutions. Mr. Everett stated that their next coming census was expected to show a population in the United States of about 32,000,000 of souls. That is more than the census of next year will show for the population of the United Kingdom; and yet this very year the expenses of the whole Government at Washington, including the Government of the

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thirty-three separate States, will not amount to more than the sum of £12,000,000 sterling. Now, it may be necessary or it may not—we will leave that out of the question for the moment—but I ask every Gentleman here, who has the slightest knowledge of any mortal thing connected with legislation, or government, or the social condition of a people, whether it is possible that you can continue to raise from the people of this country £60,000,000 sterling per annum of taxes more than an equal population is called upon to pay for its Government and its policy in the United States, and that we can go on with safety to our institutions, or that the people can bear the strain of that enormous pressure? France may be our enemy. I do not believe she is. There may be enemies abroad; but I find nobody who can point them out. I can, however, point out an enemy at home, and that is this insane and wicked policy, which requires that you should abstract from the labour and the industry of the people of England this enormous, incredible, and ruinous sum from year to year. What is the result in every other country? If somebody had told the Minister of Louis XIV. that his extravagance would end in disaster to France, he should answer them, as I shall be answered, "The country is rich enough—the glory of France is worth more than your sordid considerations of pounds, shillings, and pence—France must keep a great position in Europe—there is no burden which France will not easily by its elasticity raise itself under and support." But do we not know that in another generation his family became exiles, the aristocracy of his country was overthrown; another branch of his family has been exiled, and the kingdom which he did so much to ruin has been subjected to sixty years of anarchy and recurring revolution? This is the story history tells of other countries as well as of France; and if we pursue the same course I fear the history which will be written in the future of our time will be exactly like that which has been written of France and of other countries. You will have an exiled Royal family—you will have an overthrown aristocracy—and you will have a period of recurring revolution; and there is no path so straight, so downward, so slippery, so easily travelled to all these misfortunes as the path which we are now following, year after year adding to these enormous expenses until the time will come when there will be some change throughout the country,

when men will open their eyes, will ask who has deceived them, defrauded them, pillaged them. And then you will have to pay the penalty which all men in the upper classes of society in every country have had to pay when they have not maintained the rights of the great body of the people in this particular, and when they have not fulfilled the duties which devolved upon them as the governing classes of the country. It is because I hate this policy—because I condemn this expenditure—because I see that it will lead to more expenditure and to the wider prevalence of this policy—it is on these accounts that I oppose with all my heart the Resolution of the noble Lord; and in doing that I feel the strongest conviction in my conscience that I am doing my duty not less to the people, of whom I am one, than to the monarchy under which I live.

MR. NEWDEGATE had listened attentively to the speech of the hon. Member for Birmingham, and regretted that the hon. Member had not thought fit to explain very clearly what was the proposition that he wished to establish? The long and able speech of the hon. Member would have been appropriate if the House had been asked to vote money to prepare an expedition against France; but was quite out of place when delivered upon a proposition to vote £2,000,000 for the defence of our own arsenals. The hon. Gentleman had condemned both the policy and the expenditure proposed. He spoke of the expenditure as extravagant; but his chief objection to the Vote did not appear to rest on economic grounds, for the chief part of his speech was directed against the policy of it. What was the policy? That, while we maintained good relations with our neighbours across the Channel, we should place ourselves in a position of independence as regarded France. That was the policy which the hon. Gentleman evidently opposed; and therefore the object of his speech must be considered to be, that England should not be independent so far as her relations with France might affect her independence. No one who voted for these defensive preparations could be accused of entertaining a desire for hostilities with France. The Emperor of the French had written a letter stating that he was desirous to maintain amicable relations with this country. He was quite ready to believe that such was the case. But in another part of that letter the Emperor admitted that with regard to the expedition

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to the East, he had bowed to the public opinion of France. There had been periods when the public opinion of France was such as to render defensive preparations on the part of this country highly desirable, what security had this country that such periods would not recur. The Emperor pleaded that his pacific intentions would in such cases be barren. He (Mr. Newdegate) had not forgotten that the hon. Member for Birmingham had called him to account for saying that he thought the hon. Member for Rochdale (Mr. Cobden) was inspired with undue deference for the present Government of France, and that he lightly valued the free institutions of this country. This reached the ears of the hon. Member for Rochdale, who returned from Paris and had sat for three weeks in that House. During that time he (Mr. Newdegate) waited to see the hon. Member for Rochdale rise in his place and deny these allegations; but he never rose. He had desired him (Mr. Newdegate), in a letter, to withdraw the allegations he had advanced, but the hon. Member never had the manliness to rise in the House and deny the truth of these allegations. He (Mr. Newdegate) did not understand the object of the hon. Member for Birmingham in denouncing the policy of these defensive preparations, unless it originated in a desire that England should not be in a position to maintain her independence of France. He appealed to any Member of the Committee to say what was the object of that speech. What was the reason of this opposition of the hon. Member for Birmingham to this policy of the Government, but that he was jealous that England should stand in a position of independence, in a position in which her alliance with France might be an honour and not a disgrace to her. The hon. Member seemed to be offended at our maintaining the inviolability of our shores, and that the House was endeavouring to excite the people against the Government; on that score, he (Mr. Newdegate) believed that the Government were only discharging a solemn duty in the appeal they now made to the House. The hon. Member for Birmingham spoke of the late Duke of Wellington in the same terms as were used by the hon. Member for Rochdale, in his letters of 1853. He declared the warnings of the late Duke of Wellington as to the unprotected state of the coast as the "emanations of a broken mind." Then he had spoken of the Commissioners, consisting as they did of the most eminent men in their profession, as

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an "aggregate of lunatics." Such were the assertions to which he was driven in order to cover the object of his speech, which he (Mr. Newdegate) again asserted to be, if it was not a mere idle display to delude the public, must be a desire to prevent England taking the means essential to her independent position in Europe as compared with the growing influence of France. This opinion the hon. Member might disclaim whenever he thought fit to return to his seat. The hon. Member seemed offended because the House were adopting a measure to maintain the inviolability of their shores, and the hon. Member endeavoured to excite the people against the Government, which he (Mr. Newdegate) firmly believed had only discharged a solemn duty in the appeal which they now made to the Committee.

SIR FRANCIS GOLDSMID said, he did not concur in the Amendment, but at the same time he could not concur wholly with the Resolution originally proposed. His objections were two-fold. He believed, in the first place, that some of the works recommended were not really required; and in the next he thought the cost of every work should be estimated not only by the original cost of construction, but by what was, in fact, far more important, the subsequent cost of manning it. Any one reading the Report with impartiality and attention might, he thought, arrive at the conclusion that the Commissioners had made out a sufficient case for the sea defences to protect the dockyards, but that no such case had been made out for the land defences, (which were only to be of use after an enemy had landed); except, perhaps, in the one instance of Portsmouth, on account of its peculiar importance. It was evident from the paper or "detail" laid on the table last Friday that the Government themselves did not concur with the Commissioners to the extent of about two-thirds of the land defences, and he would therefore suggest the propriety of their reconsidering the case of the remaining one-third, which involved an expenditure of about a million and a half of money. It was clear from their Report that the Commissioners had approached the subject with an exaggerated fear of invasion. The hon. Member for Birmingham, in many of whose remarks he did not agree, had made some criticisms which appeared to him to be very just, upon the exaggerated language of the Report. In one paragraph it was actually stated

that if our fleet lost for a time the command of the channel, our insular position would be a positive disadvantage for the purpose of defence. This, if it meant anything, was equivalent to an assertion that if the command of the Channel were temporarily lost, it would be rational, with a view to the defence of England, to desire that Dover should be joined to Calais, and that the shores of Hants and Dorsetshire should, not politically, but physically, be annexed to those of Normandy. Now, he asked whether it was possible not to be struck with the absurdity of that proposition. The idea, too, that France or any other nation would invade us for such a secondary object as the destruction of Plymouth or Pembroke dockyard was one which could scarcely be entertained. Why, if they failed, their landed force would be destroyed, and if they succeeded they would have achieved nothing decisive. The Commissioners had also greatly underrated the importance of railways and telegraphs, which would be found most valuable auxiliaries in the case of invasion. The works recommended by the Commissioners could not, according to their own calculation, be manned by a force of less than 60,000 or 70,000. The Defence Committee at the Horse Guards were of opinion that of these "a considerable proportion" must be regular troops. If a considerable proportion meant one half, the Commissioners' recommendations would involve an addition to the regular army of at least 30,000 men; and the less extensive works proposed by the Government to be executed, an addition of at least 15,000 men. And this, at about £65 a man (the sum estimated in the Report itself) would occasion an annual expense of £1,000,000, which represented an additional capital sum of £30,000,000 sterling. He did not urge these arguments against the execution of any work that might be required for the defence of the country, whatever the cost; but he did hope the House would again and again consider whether the landward defences which the Commissioners had recommended, except, perhaps, those at Portsmouth were necessary.

LORD ROBERT MONTAGU would not follow the hon. Member for Bristol in likening the noble Viscount to Lyeurgus, nor the laws which the noble Viscount proposes to the severe decrees of Lyeurgus. He would not even liken the noble Viscount to Cupid; although there might be better grounds for likening him to that

"laughing god of joyous wit." Nor yet would he imitate the hon. Member for Birmingham, in reading long extracts from letters and pamphlets which detailed various schemes of individuals, but proved nothing against the scheme of defence conceived by the Commission. Above all, he would not follow the hon. Member for Birmingham in sneering at a Government which he once supported, at Cabinet Ministers merely because they were Cabinet Ministers, or at Lord Overstone because he was a Lord and a *millionnaire*. Lord Overstone was a *millionnaire* because he possessed great abilities, and a Lord because those abilities were acknowledged by the country. This reminded him of a circumstance which occurred during the canvass of an hon. Member. The candidate asked a man for his vote; which the elector promised to give, if the candidate would engage to sweep away the House of Lords. The candidate answered with great tact, "I fear I shall not be able to do that, but I will tell you what I will do, I will get you made a Peer." So the elector was satisfied, and no longer desired the abolition of the House of Peers. And, similarly, if the hon. Member had a chance of being made a Peer, he would never sneer at Lords or *millionnaires*. The question before the House was not whether there was a probability of an invasion, but whether there was a possibility of one; for if there was a possibility it behoved the Government to provide against it, however remote the contingency might be. Even if invasion were impossible, the Government ought to follow the course they were now taking, for the country was subject to frequent panics, which are a kind of slavery; a country is not free unless secure; there could be no freedom without security, and therefore it is the duty of the Government to provide for our security. The defences should be in proportion to the magnitude of interests at stake, and not according to the imminency of the danger or greatness of the peril. It is the duty of Government to regard our remoter interests, and not pander to the passions of the moment, and court men to their destruction. But the hon. Member for Birmingham was not a good judge of the probability even. The noble Lord at the head of the Government surely had information which the hon. Member could not possess, and it was for him to judge of the probability of an invasion, and not for the hon. Member for Birmingham to

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dispute his judgment. And on this point even, well-known facts are against the assertions of the hon. Member for Birmingham. There was a statement in the official *Moniteur* of January 6, 1859, that "there is nothing in the diplomatic relations of France and Austria to cause any fear." And then in the despatch of February 18 (in the "affairs of Italy") France says that she has made no preparations for war. On March 3, the Duc de Malakoff denied upon his honour the rumours of armaments in France. On March 19, France proposed a Congress of Powers. On April 8, France declared that she had not added a man to her army, and that she had not armed. On the 15th of April she declared that her army was on a peace footing. But on the 26th, just eleven days afterwards, intelligence was given that an immense army had been thrown into Lombardy. Did the hon. Member for Birmingham, on that occasion, give credit to the assertions of the Emperor? Then he must have learned not to be cajoled again. Or did he then not believe the Emperor's declarations? Why should he believe them any more at the present time? If the statements made by France prior to the Italian war were falsified, what right had the hon. Member for Birmingham to believe a letter from the Emperor recently published in *The Times*? The Emperor stated at Bordeaux that the Empire was peace, but immediately afterwards raised the question of the Holy Places, which ended in the Crimean war against Russia. Now, in his *Idées Napoléoniennes*, he declared that,

"In order that universal peace might be established and consolidated, Russia in the East and England in the West must either be convinced by argument, or subdued by victory."

If directly after his statement at Bordeaux he went to war with Russia in the East, what was to prevent him going to war with England now, even after his letter in *The Times*? But, in the same book he continues:—

"England cannot be convinced, and is not subdued; she has fleets to menace our coasts, and gold to turn the balance of treaties."

And, again, after declaring that "the East can receive its regeneration at the hands of France alone," he says,

"Soon the day will come when to govern thee, my France, it must be understood that thy rôle is to put (in the name of civilization) the sword of Brennus into all the treaties."

It was impossible to attach much weight

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to the letter which had appeared in *The Times*. The first Napoleon in 1800 wrote a letter to King George, in which he said:—

"Is then the war which ravages the four quarters of the globe to be eternal? Can we not, by some means or another, come to an understanding? . . . Why should we sacrifice the interests of commerce and prosperity to a vain-glorious idea," &c.

The present Emperor was following in the footsteps of his uncle; and if Napoleon I., shortly after writing his letter to King George, sent many thousand stalwart souls to Hades before their time, what was to prevent Napoleon III. from doing the same? But as an invasion is by no means proved to be an improbability, we may fairly suppose a case. I will not enlarge upon the dismay and consternation which would be created in London by the intelligence that the French had landed upon our shores. But I will suppose that the Government, seeing the lamentable state of things, induce the French to retire, by signing a treaty most dishonourable to this country. Or assume even the best possible case; assume that the French are constrained to retreat by the result of a sanguinary combat. The noble Viscount comes here again to meet this Parliament,—no! not this Parliament, but the shattered and mangled remains of it; for if the enemy once landed, many an hon. Member would join the Volunteers in the fight; he would go out but not return. And how would the noble Viscount excuse himself? Would he say that he foresaw the danger, but had not the heart to lay new taxes on a nation already so heavily burdened? Should we not be astonished at his desiring economy rather than safety, and looking for a small saving to the neglect of a great danger? Should we not say that the Judas who bore the bag had betrayed his trust? Or, perhaps, he would throw the blame on us, and say that he knew that if he made such an unacceptable proposition, he would be met by a successful Amendment. Should we not answer that we never were niggardly and parsimonious, that we never were guilty of such mean economy, but were always accused of being too prodigal, too liberal, too profuse in expenditure. And why should he assume that we would now, for the first time, be so thrifty? Should we not say he was a traitor, and fit to be impeached, if he did not propose a Vote for the defences of the country?

and how then can we refuse to support him when he does bring the proposition forward? But, Sir, I am glad of this crisis, because it brings into relief the point of difference between the only distinct parties in this House. Now, the hon. Member for Birmingham rested his whole argument on the ground of expense; he complained of the great expenditure necessary for these defences; he wished to get rid of the noble Lord the Secretary of State for Foreign Affairs, because of the expense of our foreign policy; he approved of Volunteers because they cost us nothing; he spoke of all the money we should have to spend. Some people look on trade as their end and aim, to which arts, and knowledge, and intelligence should minister, and regard civilization merely as the condition most favourable to the accumulation of wealth. They think that the only office of Government is to protect the persons of those who trade and the property which they trade with; but that it is not in the province of Government to inquire even into the numerical proportion of religious sects, and that "the State should have nothing to do with education or religion." For this reason, a national Church is opposed to their "theory of government;" and defences being a waste of capital, and soldiers being unproductive labourers, are contrary to "the interests of trade." But a French Commercial Treaty is regarded as equal to a permanent peace with France; as long as shuttles shall fly and locomotives shall scream, they hold that there never shall be war with France. Ulysses has given sweet wine to the men of one idea, in order that he thus might blind them. This is a very material point of view—to care for only what can be measured with a two-foot rule, and weighed, and valued, and booked in a ledger and added in an account. The hon. Member for Birmingham regarded "material interests" when he said "Perish Savoy and its 10,000 inhabitants," because it consists of barren mountain-slopes, and is unprofitable to trade with. He regards material interests when he grinds factory slaves in accordance with Adam Smith and political economy. But the Emperor laughs at these trading notions, and calls us a nation of shopkeepers, because he thinks we listen to the hon. Member. And he said that he had a hold over this country in the person of a Member of this House (as the hon. Member for Bridgewater stated the other night). But

we do not hold such doctrines; we hold that the State and the Church are realities, and that to preserve them from even a chance of danger, it would be well to risk both our wealth and our lives; we do not join the hon. Member for Birmingham in desiring an apotheosis of free trade, and a fool's paradise of commerce.

MR. WHITE said, he would take up the time of the Committee with only a few observations. He gathered from the speech of the noble Lord (Viscount Palmerston) that it was of the highest importance that our arsenals and dockyards should be preserved from sudden attack. Now, he should have thought it to be the duty of the Government, before they led the House and the country into such a vast expenditure as that contemplated, to have first inquired to what extent these public establishments ought now to be maintained. If there was any portion of the Governmental expenditure in respect to which the people entertained the gravest suspicion of misappropriation, it was the vast amount of money expended in the dockyards; and they had been confirmed in this opinion by the noble Lord the Secretary to the Admiralty, who had shown that £5,000,000 had been disposed of in a way that could not be accounted for. Now, was it desirable that the present vast expenditure in the dockyards should be maintained? In early times, when capital was scarce, and there were not those appliances which now existed, they might have been necessary; but they had since come to be looked upon as mere patronage preserves. He believed that they did not get for every pound expended even fifteen shillings' worth of work done. The time was rapidly approaching, if it had not arrived, when it would be better, instead of spending large sums upon defending their arsenals, to ask if the money was not wasted in the performance of the work done. He contended that, despite what took place with reference to the gunboats, vessels could be better and more cheaply built at the private yards, and the time would come when the ships for the navy would not be built at Portsmouth, Plymouth, or Chatham, but on the Humber, the Clyde, the Tyne, the Thames, at Cork, at the Isle of Wight, or other suitable places, where they would not be exposed to the same wide-spread devastation in the case of attack to which they were now liable in our dockyards. They talked of invasion; and, in looking at the

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consequences, he was one of those who did not think it would be such an unmitigated evil if an invasion by the French did occur; for it would knit together the various classes throughout the country by a bond of union which had never yet been witnessed. He believed that the courage and valour of the working classes would be so shown, that they would testify so much true love of their Sovereign and their country, that no Ministry, of whatever party in the House, would desire to withhold from them the suffrage they had so long sought and been denied. A French invasion would thus prove the best Reform Bill they could have. To use the expression of a French writer, M. de Montalembert, he had just come from taking a bath of liberty at Brighton, and he could truly say of that constituency that no class would defend their country more ardently than the working classes. The ground had been so well gone over by the hon. Member for Birmingham, that he need not say much he had intended to urge; but he could not but regret with him the tone and temper of the speech of the noble Lord at the head of the Government on this occasion. A great change had come over him with reference to the Emperor of the French. He (Mr. White) had been accustomed, when he was in the House before, to hear from the noble Lord the most humiliating adulation of the French Emperor on every opportunity. He (Mr. White) never indulged in it, and would not do so now; but, at the same time, he would do him justice in the difficult circumstances in which he was placed. With reference to the remarks made as to reorganizing and increasing the navy, he would quote an historical case. Every one knew that since the drawn battle between the navies of the two countries off Ushant, the history of the French navy had been one series of disaster. Lord Dundonald had written a very able work, in which they would find some curious instances of the state of the navy of France. During the last war, the writer said, he was in the habit of anchoring within half a mile of Marseilles, and going on shore to get water on the French coast, and occasionally smashing a telegraph or demolishing a custom-house. It certainly, under such circumstances, became the dignity of the French nation to restore their fleet to such a state that it should be able to preserve its coasts from such indignities as those to which they have been exposed in

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former wars. As to going to war with France being probable or improbable, he recollected not long ago when both England and France had a most confident belief they would shortly be at war, Lord Malmesbury's Austrian bias was very apparent, that he believed had the Ministry of that day remained in power a little longer, and not been, as they fortunately were, expelled from office, there would have been a war with France. He could have wished that the noble Lord would have been as candid in his remarks (for he did tell them, in moving the Vote, that these works were rendered necessary from the apprehension of the designs of their immediate neighbour, and that there was no use in disguising the fact), and had said what had worked this great change in his opinions with regard to France. With respect to the fortifications on the Continent that had been alluded to, all experience went to show that reliance could best be placed in the public spirit of the country, and not in armed works. The great Federal strongholds did not prevent Napoleon from conquering Germany, and the name of Ulm was associated with the most humiliating capitulation in the annals of war; the Prussian fortresses did not prevent Prussia from being conquered after the battle of Jena; and on the invasion of France, after the battle of Leipsic, had Napoleon's soldiers been in the field, instead of shut up in German fortresses, the result would have been different. In fact, all history showed that a nation's best reliance was in the spirit of the people and not on works of brick and stone. With reference to the Volunteer corps (and he was a Volunteer)—he had great sympathy with them; they were animated with the proper feelings of Englishmen, and would not be found ignoble antagonists in the case of an invasion, when fighting in defence of their country and institutions. The history of Switzerland and the Tyrol and what was done by volunteers at New Orleans proved, that when a nation had the will to fight it could always find plenty of means, and no people would fight so bravely and unflinchingly as those who were called on to do battle for their homes and institutions. He did not think he should have been so fortunate as to have caught the eye of the Chairman in a debate so important as this, or he should have come down fortified—by evidence, strengthened by testimonials, as to the wasteful expenditure that had taken

place on the coast with which he was now connected, namely, the south coast. He had had representations made to him on the subject, from which it appeared that the money had been most wastefully spent there in erecting useless works. He would not, as there were other Gentlemen anxious to address the House, trespass upon them further.

SIR CHARLES NAPIER said, he came into Parliament in 1841, at a time when the English and French Governments were at variance. He had just returned from the Mediterranean, and it struck him then, not having seen a French fleet for some years, that there was a wonderful improvement in it; it was in good order, well-manned, looking well, highly commanded, and highly officered. He looked round and compared the British fleet, which he found inferior in point of numbers, size, and manning, and it struck him that was not the state of things that ought to exist. He felt alarmed; he pointed this out to the Admiralty, and showed that the French navy was going on improving fast, and that there was a difficulty in getting men for the English navy. They wished to increase the fleet to twenty sail of the line, which the French had done easily, and they found it almost impossible; and four or six sail of the line were at Spithead nine months waiting for men, whilst the ships' companies were all inferior, and short in complement. So hard were they up that they got the ships from Lisbon brought home to make use of the men in them. He did his best to alarm the people, and point out the danger they were in, for the purpose of getting the fleet manned. He believed he succeeded, although he was condemned on all sides as a traitor to his country for the course he took in vilifying the navy. The fleet was subsequently made equal to the French; but when the Eastern Question was settled, he believed it was reduced to twelve sail of the line. While France had twenty this country had only seventeen, and if France had sent her fleet to attack England without warning, there could not be the slightest doubt she would have thrown any number of people on the English shore she thought fit. The fleet on its return from the Mediterranean was gradually reduced to twelve sail of the line; then the Tahiti difficulty arose, but Sir Robert Peel managing to settle that question this country escaped again. With regard to the effect of steam, it had been said that it had made blockading im-

possible; but on the contrary, he believed that steam had made for the first time blockading effectual, for with a steam fleet it would be impossible for the ships blockaded to escape without the knowledge of the blockading squadron, as they had done in former times, when they landed in Ireland, and when the great portion of the fleet escaped from Brest unknown to those who were watching them. If they had a proper navy, what in the world were all those fortifications for? Were they to prevent the fleet from coming out? They certainly would not prevent its going to sea. The French never could attack this country so long as they kept a proper fleet and a good look out. It had been pointed out how easy it was to attack us if we had not a proper naval force. The French never contemplated invading England by sending boats across the Channel; when it was attempted, it was by pretending to send the fleet to Egypt, instead of which it went to the West Indies, and returned, expecting to be joined by other forces, and then to take England by surprise; but in this they were defeated by the activity of the officers of the English fleet. And what were we to do whilst these fortifications were building? Would the French wait three years before they went to war, whilst we built our fortifications? Already five very strong redoubts had been built at Portsmouth, and it was proposed now to build fortifications on Portsdown Hill to command the redoubts, which were now found to be of no use. The mistake had been made of building the batteries at Portsmouth too low, and they were now compelled to build others to overlook them. Would the Emperor of the French or any invader come where there were fortifications or where there were none? Of course, if they came at all, they would come to a place where there were no fortifications. The fortification of Dover was a freak of the Duke of Wellington; but it was of no use whatever fortifying it as a harbour of refuge. The same thing might be said of Alderney, and every other place mentioned in the Report. The Commissioners ought to be brought to trial for high treason, seeing they had pointed out to the Emperor of the French all the possible places at which he might land an army. Reference had been made to Sweaborg, but Sweaborg was destroyed because a proper description of ships had been sent out to assail the place; and he ventured to say that Cronstadt could have been destroyed in

the same way if a right class of vessels had only been sent out by Government to attack it. The late Emperor Napoleon Bonaparte seriously intended to invade England, and would have done it if he could have had forty-eight hours for the purpose of crossing the Channel. The only sure way to prevent invasion was to have always at hand a superior fleet to the French or any other nation. Whenever an English and a French ship now met in battle one of them was certain to be destroyed, and the other, perhaps, three-fourths destroyed. It was, therefore, necessary to have a fleet far superior to any other nation, for we must have ships to take the place of those that would be inevitably destroyed in the very first battle. If war broke out, and the French sent twenty ships of the line to sea, and if Sir Thomas Fremantle ordered a general chase, in half an hour the ten blockships that were at Spithead the other day—which he said were all wrong, but which the Secretary to the Admiralty would swear were all right—would all be left behind out of sight. The Admiralty must have a very considerable additional number of ships. Let the noble Lord the Secretary to the Admiralty go to Greenwich Hospital, and carry out the Report of the Committee. Let him ameliorate the condition of the seamen and petty officers, and if necessary increase their pay, and then he would get plenty of seamen. He might then put the £2,000,000 in his pocket, and distribute it among the navy, for it would not be needed for the fortifications. England would never be invaded until France and Russia joined together. We should then have time to fortify ourselves; for the present, let the Government increase the fleet, and man it as they ought, and then they need not ask for this money for fortifications.

MR. CORRY said, the hon. Member for Birmingham had adverted to the naval and military expenditure of England and France of late years, and had compared the naval expenditure of France with that of England. The hon. Member, no doubt, supposed that a French estimate might safely be taken as a criterion of French expenditure. It was, however, his lot about a year and a-half ago to be a member of a Committee appointed by Lord Derby for the purpose of obtaining full information as to the relative naval preparations and expenditure of England and France, and he would state, in respect of the latter, the

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result of their investigation. Their inquiries commenced from the financial year 1852-3 and came down to the financial year 1857-8. During those five years the French navy Estimates were £19,800,000, while the expenditure had amounted to £31,600,000. That was to say, the French expenditure was £11,800,000 more than the estimates. During the same period the estimates for the English navy were, of course, for obvious reasons, larger than those of France, and it included the years of the Russian war, during which a considerable portion of the transport service of France was carried on by English vessels. The English estimates for naval expenditure during those years amounted to £60,500,000, while the expenditure was only £59,000,000; so that while the actual expenditure in England was £1,500,000 under the estimates the expenditure of France was £11,800,000 above the estimates. The hon. Member would now, he thought, be convinced that French estimates were not a safe criterion whereby to judge of French expenditure. The English dockyard estimates for the same years was £16,000,000 and the expenditure £17,500,000. The French estimate was £7,600,000, and the expenditure £13,390,000. So that, comparing the real expenditure, and not the estimates, the dockyard expenditure of England was only one-fifth more than that of France. In France the workmen were paid on an average 1s. 9d., while the average in England was twice as much; and, in almost every other item, the cost of construction and of repairs was much greater in England than in France; so that the expenditure in the English dockyards would not appear to be anything but extravagant. The hon. Member accused his right hon. Friend (Sir John Pakington) of having committed an almost criminal act in having brought forward increased estimates for the dockyards, and he attributed to his having done so the increased preparations of France. He (Mr. Corry), however, believed that the provision made by his right hon. Friend, so far from being excessive, was only an instalment of what was required, and that we must go on increasing our naval preparations before this country would be in a position to meet the exigencies of a great maritime war. The most erroneous opinions existed among all classes on the subject, owing, probably, to the great length of time—forty-five years—since the conclusion of the peace with France,

which had caused the present generation to forget what great efforts were required to protect our shores and defend British interests in every part of the world in time of war. Even the noble Lord the Secretary of the Admiralty appeared to underrate the proportion which our navy should bear to that of France, because in introducing the Navy Estimates in the present Session he expressed his approval of a suggestion made by the hon. Member for Rochdale (Mr. Cobden) that an arrangement should be come to between the Governments of France and England as to the strength of their relative navies, and that ours should be one-third larger than theirs. At an early part of the Session the hon. Member for Boston had given notice of his intention to ask whether there had been any negotiations with the view of regulating the strength of the navies of England and France according to their colonial and commercial necessities. That Question had never been put, and a suspicion had crossed his mind that perhaps some such arrangement as this had been contemplated as part of the price of the Commercial Treaty. He trusted, however, that no minister of this country would ever consent to anything so derogating to the dignity of the country as to place us in the position of being dictated to by any other Power as to what naval force we should maintain; but, certainly, if the strength of the fleets of the countries was to be fixed according to the plan suggested by the proposed question of the hon. Member for Boston, the English fleet, instead of being one-third, ought to be four-fifths stronger than that of France. The latter country had no colony worth a single effort to protect except Algeria, and that was situated exactly opposite to Toulon, her principal naval arsenal; while her trade was absolutely insignificant compared with that of England. In 1851 (when the last official return was made) the mercantile marine of France gave employment to only 38,500 men; while by the last returns of the Registrar General the mercantile marine of the United Kingdom gave employment to 177,800 men, and the colonial trade (which would, in time of war, require quite as much protection from ships of war) employed 66,800; giving a total of 244,600 seamen in the English trade, against 38,000 in the French trade. In English vessels the average was one man to 19 tons, while in French ones it was one to 11 tons, and therefore the difference of

tonnage would be still greater than that of men. In 1850 France had only 800 ships employed in the foreign trade, while we had 8,400. So that England had to protect ten foreign-going ships when the French had to protect one. If the noble Lord consulted our naval history, he would find that down to the year 1845 we had always possessed a great deal more than one-third more ships than the French. In 1787 we had 252 line-of-battle ships and frigates, while France had only 121; in 1795 we had 319, and France 149; and even in 1845 we had 232 and France 96. Therefore down to 1845 we had a superiority in ships of the line and frigates as compared with those of France of more than two to one. At present our superiority was not more than that of four to three. This reduction had not been the result of a well-considered policy, but of an accident—the application of the screw propeller to ships of war, most of the French ships being newer and therefore more fit for conversion than ours were. In 1858 the French were equal to us in ships of the line and greatly superior in frigates. It was true that that state of things had been to a certain extent remedied under the late Government; but much more remained to be done. Another point which ought not to be lost sight of was, that while France could retain nearly all her ships of the larger classes at home the necessities of our colonial possessions and our commerce required that the larger portion of our fleet should be sent to foreign stations. In the year 1760, during the Seven Years' War, we had 57 line-of-battle ships and frigates at home, and 157 abroad; in 1783, after the American War, we had 79 at home and 143 abroad; in 1799 we had 82 at home and 170 abroad; and in 1809 we had 77 at home and 108 abroad. Thus in the years which he had mentioned only about one-third of our line-of-battle ships and frigates had been available for home defence, and a much smaller proportion would be available now, because both our trade and our colonies had enormously increased since the periods to which he had referred; yet the Commissioners whose Report was now under the consideration of the House said that, owing to the facilities for attack which had been afforded by the introduction of steam, a larger proportion of the fleet would be required for the defence of our shores than at former times. At the present moment, according to a statement of the noble Lord the Secretary to the Admiralty while in-

roducing the Navy Estimates, France had 95 steam line-of-battle ships and frigates built, building, and converting, and Russia 44, whereas England had only 127, or 12 fewer than France and Russia combined. Such a thing as an alliance between the two great military Powers—France and Russia—was possible, and it was possible that it might be conceived in a spirit of hostility to England; and he thought that the safety of the country required that we should maintain a naval force, available for home defence, at least equal to that which France and Russia could bring against us. The Navy of England, so far from having been increased to extravagant dimensions, was still small in comparison with the navy of former times. He hoped, therefore, that the Government would continue the reconstruction of our navy until it was restored to its proper superiority over the navy of France. He entirely approved the policy of strengthening the defences of our dockyards. We must look mainly to the navy for the defence of our shores, and it was, therefore, most important to provide for the defence of those establishments in which the navy was constructed, and the security of which was essential to the maintenance of the efficiency of our fleets.

MR. BERNAL OSBORNE: Knowing the very laudable endeavours which the right hon. Gentleman who has just sat down has always made to maintain our navy in a proper position, and knowing the forward part he took in that direction when in office, I am not surprised that he should have called our attention chiefly to naval affairs; but I regret that during the whole course of his speech, able and satisfactory as it was, he made no allusion whatever to the subject immediately before us—the Report and plan recommended by the Commissioners for the defence of the kingdom. Every person must be aware of the vast importance of this question. I am inclined to regret that it is in a manner somewhat prejudged by the House, and that many hon. Members are intent upon coming to a vote without entering into any inquiry as to the Report of the Commissioners or as to the circumstances under which it is presented to our notice. We have a right to ask why the Report and recommendations of the Commissioners have been brought forward at the *fag-end* of the Session: because if it be true, as stated by the noble Lord at the head of the Government, that to put this country in a proper state of security it is absolutely necessary to carry

out the recommendations of the Commissioners, we ought to know why the Report has been suffered to lie dormant for six months. That is not an immaterial question to leave unanswered. How stand the facts of the case? On the 10th of February the Chancellor of the Exchequer submitted his financial proposals. What were those financial proposals? It will be recollected that £2,000,000 of terminable annuities fell in this year. What did the Chancellor of the Exchequer propose to do with those annuities? Did we hear one whisper of the terminable annuities which are now to be raised for the defences of the country? No, Sir; the Chancellor of the Exchequer seized upon the £2,000,000 of annuities which fell in to make good the loss expected to arise from the repeal of the paper duties. The right hon. Gentleman likewise increased the income tax. All this might have been very well had he not been aware that the Ministry were about to call upon the House to vote £2,000,000 in terminable annuities for the defences of the country. Was he aware of that fact? The Report of the Commissioners is dated the 7th of February. On the 10th the Budget was brought forward. Not a word was said about the Report of the Commissioners; but now, at the *fag-end* of the Session, the noble Lord asks the House to commence an indefinite expenditure by voting on account £2,000,000 in terminable annuities. I say, Sir, the House and the country have been entrapped into former votes by the proceedings the Government have taken, and I think the Chancellor of the Exchequer is bound to tell us why he suppressed the facts on the 10th of February. The Secretary for War has studiously avoided coming to this point; the noble Lord has given no explanation upon it; but I hope, however indifferent the House may be on other subjects it will not be content to vote £2,000,000 without some explanation of so extraordinary a proceeding. The noble Lord, in his speech the other night, made some startling if not alarming statements. He told us that the horizon was clouded and betokened the possibility of a coming tempest, and he pointed distinctly to our neighbours across the Channel. I ask the noble Lord, if the danger is so imminent, if the horizon is so clouded, if there is a storm approaching, why is he satisfied with a Vote of £2,000,000 on account for our defences? Why does not the noble Lord at once complete the defences which he thinks abso-

lutely necessary for the security of the country? He proposes to do no such thing. He merely asks for £2,000,000 on account to commence various works in different parts of the country, some of which may be necessary, but the alleged necessity of the whole of which ought to be made a subject of inquiry by the House. I had always supposed, previous to the speech of the noble Lord, that we were on friendly, if not cordial, terms with France. At the commencement of the Session I gave my humble support to a Commercial Treaty with France, under the idea that I was promoting good and substantial relations with that country. The noble Lord has told us that we should not speak of that treaty with levity; but his actions are inconsistent with his words, for the Resolution before us is the oddest sequel imaginable to a Commercial Treaty. After taking off all the duties on French manufactures, we are asked to vote nominally £9,000,000, though I believe it will ultimately be nearer £20,000, for the construction of defences to keep out our friends and customers. Why, Sir, if this was not an expensive amusement, it would be the most ludicrous proceeding ever proposed to a deliberative assembly. The noble Lord alluded in his speech to the great army and navy of France. I deny that the army of France at this moment is large in proportion to the situation of that country as a military Power. Look at the large armies of Austria, Prussia, and Russia. Moreover, it must be well known to the noble Lord, who possesses peculiar information, that the French have reduced their army since the Italian campaign. It is also well known that the navy of France was fixed by a Commission in 1855. If the French are spending money on their navy, it is only natural that they should reconstruct their fleet under the change which steam has introduced; but I deny that the present state of the army and navy of France forms any excuse for the speech of the noble Lord. The same accusations which we make against France are brought against us by the French. I hold in my hand a French pamphlet, published by authority. "France," it says, "desires to be strong, because influence in the world can only be obtained at that price." Is not that the very statement made to-night by the Secretary for War—that we desire to be strong because we wish to have influence in the world? "For three years," it continues—

"She has not added in any manner to her ordinary resources. Can England say as much? For three years England has increased her war budget by 80,000,000*f.* or 25 per cent. She has increased her army by 75,000 men, or 30 per cent. During the same space of time she has augmented her budget for the navy by 115,000,000*f.* or 35 per cent, her naval effective by 30,000 men, or 30 per cent; she has doubled her fleet, and by the end of the present year she will have tripled it. Have not the nations of Europe the right to feel disquietude at such armaments."

I read this to show that the same arguments are used in France against us as the noble Lord at the head of the Government brings against France. In speaking on this question I feel myself in a peculiar position; because I do not entirely agree with the Amendment which has been moved, and I do not entirely agree with, though I respect, the views of the hon. Member for Birmingham. I do not object to making the seaboard strong, securing the seaboard of the dockyards and the arsenals, or making an additional dockyard at Cork, because that was proposed at the time of the Union, and I think the improvement of that harbour would be most useful for Imperial purposes. The Secretary for War has talked of the French landing troops in Ireland; but I do not find in the Report of the Commission any plan for defending Ireland, and the other night Ireland was refused Volunteers. Are the people of Ireland to be left totally undefended, and is all the money for fortifications, with the exception of £120,000 for Cork, to be spent upon works in this country? I do not, however, object to these seaboard defences, nor do I object to the removal of our arsenal from Woolwich; but when the Commissioners report about Cannock Chase, I would ask hon. Gentlemen not to be in too great a hurry to sink their money there. There are situations much better adapted for the purpose than Cannock Chase. I repeat I do not object to the seaboard defences, if judiciously planned and well executed; but I do object to this proposed enormous outlay on land fortifications. The proposition to erect these large fortifications—such, for instance, as those at Portsdown—making places small Gibraltars, though I doubt whether they will in practice be found to be so, is what I think objectionable. There is a great difference of opinion as to the efficiency of these works. The Secretary for War stated that when, generations hence, people observed that the country had not been invaded, it might be answered that the reason was because these enor-

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mous land fortresses had been raised ; but when the right hon. Gentleman talks of new fortifications, let me tell him that this is the oldest system in the world, which in the wars of the French Republic was found to be useless. The noble Lord at the head of the Government told us to observe what foreign nations did in the way of fortifications, particularly France and Russia. Now, I hope that if this House takes any account of what is done on this subject in France, it will be to avoid and not to imitate. What is the case with respect to the fortifications round Paris, for which the French Chambers voted so much money ? They are perfectly useless for the purpose for which they were constructed—nominally for the defence of the country, but really for the coercion of the people. With respect to Cherbourg, I find engineering officers saying that the money spent upon it was thrown away, and that it was not impregnable with the new system of artillery. In the last volume of Thiers' *Le Consulat et l'Empire* it is suggested that the reason why the great Emperor lost Paris was that all his land forces were locked up in Belgian and Rhenish fortresses, and while he was trying to get his forces into the field the Allies marched upon Paris. Let that be a comment on the argument of the Secretary for War. I will now refer to the constitution of the Commission. I want to know why an officer, probably the ablest engineer in Europe, and at the head of the Engineering Department, having the confidence not only of the Government but of the people of this country, was not first consulted with respect of the constitution of this Commission. There is but one engineer officer who has seen any service on the Commission,—Sir Harry Jones. There are other men on the Commission, respectable and able, no doubt, some of whom have seen service in the navy ; but they are not the men who represent the opinions of the Engineer service at large. But why was not Sir John Burgoyne placed on the Commission ? He commanded the Engineers at the siege of St. Sebastian, and at Sebastopol he put his finger on the vital point in the Russian lines. His evidence was never quoted by the Secretary for War. I say, too, that you have had no sufficient examination of Artillery officers. Why was not Sir Howard Douglas, whose book is a manual in all nations on the service of artillery, examined before the Commission ? His is, probably, the first Artillery opinion in the

world. No Artillery officer was examined on the most vital of all points—the range of these new guns. Sir William Armstrong, the only person examined on the point, says that 8,000 yards is the whole range he can allow ; but I am told there are great disputes as to the range of the guns. I will not enter upon the sad want of self-reliance exhibited by the Commissioners in calling Lord Overstone to state his opinion as to what would be the feeling in the London money market if the French should come to London. That is most ridiculous, and entirely destroyed any confidence I might have felt in the Report of the Commissioners. I object to the Report of the Commissioners on two grounds,—first, because I think the plan of defence vague, fragmentary, and incomplete ; and, next, because I think the estimate of expense is utterly loose and very inaccurate. Major-General Williams, who has seen a great deal of service, wrote a letter to the Secretary for War ; and what is his opinion of the plan of the Commissioners ? He wrote as follows :—

“With great regret I differ widely from the Commissioners in their appreciation of the proposed fortifications round our dockyards, &c. It is readily granted whatever additional works may be requisite to defend approaches to our seaports by sea should be constructed forthwith ; but the enormous expenditure proposed for their defence by land may be safely excluded from consideration, and a portion of the money to be swallowed up in their unprofitable fortification devoted to more important and pressing wants. I emphatically declare this is not a country for fortresses ; we want, not brick and mortar, but brain and muscle. The issue is of too great magnitude to be decided by any seven gentlemen, however eminent.”

So I say. This issue is by far too important and too momentous to be decided by seven gentlemen, whose idea of the sack of London is so limited that they are obliged to call in Lord Overstone to assist their conception. I have quoted the opinion of a distinguished officer of Engineers, who has served all over the world. My hon. Friend (Mr. Bright) has alluded very casually to the pamphlet of Captain Brialmont, whose *Life of the Duke of Wellington* is, I think, a model of good history. Now, M. Brialmont is, probably, one of the ablest men in any foreign army. He holds a high position on the staff of the Belgian army, and I believe is very much consulted now upon the fortification of Antwerp. He has written a criticism on the Report which we are now discussing, and it is written in

a most friendly spirit towards this country, because he says the independence and the security of England are too precious a pledge for all free States to be neglected. But he objects altogether to the plan of the Commissioners. It is drawn up, he says, in violation of one of the first principles of military tactics,—“Never rely for security on your first line of defence.” He accordingly assumes, as the basis of his recommendations, that we have lost the command of the Channel, and have ceased for all military purposes to be an island. Captain Brialmont says, first of all, that we shall never get soldiers to man the fortifications without the conscription. I am quite of his opinion. I believe that if we enter upon the construction of these land defences, we shall come in time to the conscription, and I shall not be much surprised in the course of a few more Sessions to find the noble Lord and the right hon. Gentleman demanding the conscription as essential to the national security. Captain Brialmont then says you must have a strategical pivot ten miles from London, an intrenched camp at Croydon, three great military bridges across the Thames, at Kingston, Tilbury Fort, and Woolwich, and a fort at Guildford. This plan, I know, has been submitted to great military authorities, and I say if you really want a great scheme of land defence take M. Brialmont’s plan, and do not throw money away on those masonry works, which, by the time you are called on for the fourth instalment, you will find have been superseded by new inventions, so that you will have buried your money in fortifications of no use except to impoverish the taxpayers of this country. I come now to perhaps the highest evidence of all, and I am surprised that in the teeth of it the Government should come down and ask for £9,000,000 of money. Do I say £9,000,000? I believe that sum will be but a feather in the scale, and that if you once begin this system of land fortifications at least £10,000,000 more will be required to make it effective. What did Sir John Burgoyne say on this subject? When examined before the Commission, he was asked his opinion as to the fortifications of Portsmouth and Portsdown Hill. Hon. Members will recollect that this is germane to the subject, because five forts are now projected instead of eight, which were to have been built on Portsdown-hill. Sir John’s reply is:—

“My difficulty about occupying Portsdown Hill

is the vast extent of the place: I cannot see what chance you would ever have of finding a garrison equal to covering such an extent of defences. . . . It must be defended by an army.”

Then he is asked whether he recommends the construction of these forts; and here is the opinion of the first military engineer of the day, our Inspector General of Fortifications, on the point:—“I do not,” he says, “recommend that the forts at Portsdown Hill should be built at present.” And yet the noble Lord and the War Secretary declare these forts to be absolutely necessary! I know the House is bent on building them too; but at any rate I will offer my humble protest. I am convinced that the time will come when they will regret it, and that an attentive reading of the evidence would lead them to the conclusion that these Land Fortifications are questionable at best. A word now on the subject of our dockyards. I object very much to making our dockyards also naval arsenals. I cannot understand why a great many of our stores, such as timber, iron, and other things, might not be moved to more defensible positions, for it is well known that our dockyards were not selected as places of defence, but as ports. It is proposed to lay out £100,000 this year on the defences of Sheerness; but it is well known that Sheerness is one of the worst possible situations for a dockyard. Captain Sullivan, a highly distinguished surveying officer, who was examined before the Committee, says:—

“It would be hardly worth the number of forts which would have to be built to make Sheerness secure; it was a most shameful thing ever placing the dockyard where it is; it is well known it was put there for a political job, to sell the land of a man there.”

I find, in fact, that the construction of the dockyard there took place in this way:—There was a borough called Queenborough, which returned two Members to Parliament, and the patron of the place—we will not mention his name, but he was probably a *millionnaire*—insisted that the dockyard should be established at Sheerness. It is notorious that the yard is on the wrong side of the river. Now, why should £100,000 be applied to the defence of such a place?

Mr. SIDNEY HERBERT: That sum is not applicable to the defences of Sheerness, but to the defences at the mouth of the Medway. Sheerness was reported by the Commission to be so difficult of defence that it is not to be fortified at all.

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MR. OSBORNE: The right hon. Gentleman confesses that the money would be thrown away, and why not take this £100,000 and devote it towards placing the dockyard on its proper site in the Isle of Grain? For these reasons I cannot support any Vote for the erection of fortifications on Portsdown Hill or of any of those land defences. I repeat also that I object to the Estimate before the Committee as loose and inaccurate. When you have got these fortifications you will have no men to garrison them. The Estimate of the Commissioners is that the new works will require 68,000 men. But that is quite beneath the mark. Sir John Burgoyne says it will take not less than 20,000 men for Portsmouth and Portsdown Hill alone. I believe 100,000 men will be required to garrison these places, if built. "Oh, but," says the right hon. Gentleman "we will do this with Volunteers." Now, I have a high opinion of Volunteers, but, with your improved artillery, especially with the Armstrong gun, which is so delicate a weapon, you will require trained gunners. We have heard something from the Secretary of War about the economy of fortifications; he said bricks and mortar were cheaper than human blood. That may be so in one sense; but my argument is that bricks and mortar also entail a great cost of human blood in the sense that they entail a great increase of men—increased garrisons. Here is the opinion of M. Brialmont upon this point:—

"For this to be correct it would be necessary that an army should have no other object but to defend the arsenals, which is inadmissible. The more the importance of fortifications is increased, the more soldiers will be required to guard them; therefore by the plans of the Commissioners, the effective army, already insufficient, would be still further diminished."

We are asked to spend £2,000,000 as an instalment, but not a word has been said by the noble Lord, or the Secretary for War, about the cost of increased garrisons that will be necessary. What does Sir John Burgoyne say to permanent works? He says.—

"My objection to establishing permanent works at great expense is that, after you have built them, you will be forced to abandon them for want of troops."

I say the House is not justified in coming to an immediate conclusion and to vote all this money when you have Estimates so inaccurate before you. I have heard a

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novel doctrine broached here from the Treasury Bench—that you can no longer trust to your navy. I have heard the epithet of un-English applied to many things, but this seems to me to be above all un-English. If steam and railways facilitate attack they also facilitate defence. I should have been glad if the right hon. Gentleman had pointed out some plan by which railways could be made to converge to the same point for the purposes of defence, instead of laying out money on fortifications all round the coast. But what is the evidence given before the Commission as to our naval defences? Here are three Admirals. Sir Richard Dundas, who conducted the bombardment of Sweaborg, and who is a most distinguished officer, says:—

"I can scarcely imagine any mode of fortification by which approaches to Spithead by the eastern entrance could be secured against attack in the absence of naval means of defence."

The hon. Member for Chatham (Sir F. Smith) can tell us what was the opinion of Sir Baldwin Walker, when examined before the Gunboat Committee. He said that you could make Spithead untenable by an enemy with 200 gunboats. Admiral Bowles says:—

"In my opinion, so long as the present force of gunboats is kept efficient at Portsmouth it would be perfectly possible, under protection of the batteries, to render Spithead wholly untenable by an enemy; while increasing range and power of artillery will afford us advantages far beyond any we have hitherto possessed."

Sir Thomas Maitland, at the head of the gunnery at Portsmouth, says:—

"A point which requires serious consideration is whether this large sum might not be more profitably laid out in building ships, if you can insure being masters of the Channel. I see no necessity, as far as security goes, for fortifying Spithead. I would first put the navy in such a position as to secure the command of the Channel."

Is the House, in the face of such evidence, justified in coming to a vote for the erection of these extensive fortifications on Portsdown Hill? I do not think the House would be justified in expending all the money that is asked for by the noble Lord. Some reference has been made by the hon. Member for Birmingham to the celebrated letter of the Duke of Wellington in 1847. I do not go with him in underrating the opinions of the Duke. I believe that letter was quite correct at the time, and the Duke was justified in writing it. But what did he recommend? Was it to erect fortifica-

tions at Portsmouth? No; he recommended that you should embody 150,000 Militia, and he asked for £400,000 for an increase to the regular army. But now the noble Lord says the country is in immediate danger; but how can you reconcile that with the proceedings of the Secretary for War? He has weakened the defences of the country by disembodiment since the 1st of January 23 regiments of Militia, and five more are on the eve of disembodiment. And yet the Government say the country is not in a state of security. A more inconsistent statement was never made by Prime Minister or Secretary for War. When the Duke of Wellington wrote his letter he asked for no fortifications; but what was then the state of the country and our means of defence? In 1847 we had no Militia, no batteries, no Volunteers. What is the state of the country in 1860? Even although 28 regiments of Militia have been disembodied, we have some Militia, we have a magnificent body of Volunteers, and we have altogether 323,259 men available for defence. The noble Lord told us about a solitary gun that was kept at Sheerness to fire salutes; but I find that the number of guns in coast batteries is 1,362, and including the dockyards there are 3,000 mounted, which number before the year expires will be increased to 4,000. But then there is another consideration. Can you find men for all those guns? These are very loose estimates. They calculate £200 a gun; but they omit all account of the cost of ammunition, which is immense. I say, upon these high authorities, that the plan is bad and the estimate is inaccurate. What was the state of the army and navy when the Duke of Wellington wrote his famous letter? Really, security is becoming so expensive here that we shall have to consider whether we ought not to go elsewhere for safety. In 1847 the Army and Navy Estimates amounted to £11,213,190, and in 1860 they are £24,793,746, an increase of no less than £13,580,556, without including the Vote for the China expedition. If after that enormous outlay the country is not safe, I really think there must be something very "rotten in the state of Denmark." I was very sorry to hear the speech of the noble Lord the other night. I think it was not a peaceful speech. I think it inaugurated a policy of suspicion, which can never be a preservative of peace. Without being a parasite of the Emperor of the French, I must say that I think the Emperor's letter is a suffi-

cient answer to that speech. I believe the assurances of the Emperor. I know it is the fashion to treat the Emperor as a man devoid of common honesty; but I believe him; and why? Because it is not his interest to quarrel with this country. We have not done justice to France. We have been content to give our barren sympathies to Italian independence; but France has given her blood and treasure for that cause. ["Oh."] It is the strong right arm of France that has built up the Italian kingdom, and we are not justified in throwing suspicion upon France. What was the conduct of France during that terrible mutiny, when our Indian Empire was trembling in the balance? She not only gave her sympathies to us, but she offered a free passage to our troops through her territories. If ever we were in danger from France, then was this time. We fought together in the Crimea; we have sent out an expedition to China together. I mention these matters as facts, without giving any opinion as to their policy; but I say we are not justified in casting aspersions and raising prejudices against France. If the Commercial Treaty is worth anything, this scheme of fortification stands in irreconcilable contrast. I am in this difficulty, that I cannot vote for the Amendment, because I think some expenditure is necessary on the seaboard defences. I cannot go so far as the hon. Member for Sunderland (Mr. Lindsay) in protesting against any expenditure whatever on fortifications, but I protest against going into so large an expenditure as is proposed on the authority of a Commission whose authority has been so seriously impugned. I cannot support the Amendment of the hon. Membrs for Sunderland, but, should any Amendment be moved requiring further information on the subject, I am prepared to give it my support.

MR. SIDNEY HERBERT wished to give an explanation on one or two matters bearing on the constitution of the Commission. The hon. Member for Liskeard complained that Sir Howard Douglas was not on the Commission. Now, Sir Howard Douglas was the first man asked to become one of the Commissioners, but he declined on account of his great age, which would prevent him from examining the different localities, but he promised to examine the Report and the recommendations, and he had done so after reading the evidence much more carefully than the hon. Member appeared to have done. It was chiefly on

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his advice that the Government now acted in making the propositions they now made. [Mr. OSBORNE: Where is it?] He was sure his hon. Friend did not mean to doubt the accuracy of the statement he had now made. It was by the advice of Sir Howard Douglas among others that the Government had selected the sea defences, and diminished the amount of land defences recommended by the Report of the Commission. Then, as to Sir John Burgoyne not being on the Commission, that was accounted for by his official connection with the Government. If Sir John Burgoyne had been on the Commission, the probability was that his hon. Friend would have taunted the Government with acting upon the opinion of their own men. He (Mr. Sidney Herbert) preferred to have the independent opinion of Sir John Burgoyne, sitting at his right hand, and giving the benefit of his advice rather than putting him on the Commission. If the hon. Gentleman had read the evidence carefully he would have seen that, though Sir John Burgoyne did not approve of the recommendation of the Commissioners as to the fortifying of Portsdown Hill, yet, in the Appendix, there was a letter from that gallant officer in favour of the construction of the detached forts which the Government proposed to erect. With regard to the question raised as to Sheerness, he had already stated that Sheerness was not to be fortified; and, he must say, that to remove the dockyard from Sheerness to the Isle of Grain would be altogether indefensible. His hon. Friend quoted the opinion of Sir Thomas Maitland and Admiral Bowles in favour of gunboats as an efficient protection to Portsmouth. No doubt; but we required gunboats for other places than Portsmouth. The gunboats were required to protect a very wide range, as all the vessels of our navy were. We required our navy not only at home but in the Colonies. Our fleet was, in fact, scattered everywhere, and that was one of the reasons why additional fortifications were called for.

MR. BERNAL OSBORNE denied that he would have complained if Sir John Burgoyne had been on the Commission. In point of fact the official element was present in the person of Colonel Lefroy.

MR. HORSMAN: The hon. Member for Liskeard and the hon. Member for Birmingham have, in their remarks on the Resolution of the Government, carefully avoided the question before us,—whether

the arsenals of the country are in that state of perfect security in which they ought to be, and, if they are not, whether they ought not to be placed in a state of security by an expenditure such as that now proposed. The first question to be asked is, whether the country is in a state of security; and if it can be shown that it is not, then we have to consider how that security is to be attained, looking upon the question of cost as a very subordinate consideration. The expenditure is only to be limited by the necessity that is shown to exist. The Commission originated last year in a suggestion made by the hon. and gallant Member for Westminster (Sir De Lacy Evans). The Secretary for War promised that the members of it should be carefully selected; and as to the complaint that Sir John Burgoyne was not placed on the Commission, I may state that it was one of the suggestions pressed on the Secretary of State in that debate—that the official element should be excluded, so that its decisions should not be open to the charge of partiality. I am bound to say that the Secretary for War faithfully and honourably fulfilled the pledge he then gave, and I believe that no Commission was ever more carefully selected, or reflected more credit on the Government by which it was appointed. It has been attempted to be shown to-night that the Commission has made recommendations of a loose and vague character; but the fact is lost sight of that they had to limit their Report to one point, namely, the defence of our arsenals and dockyards. I am disposed to rest the further proceedings of Parliament on the speech of the noble Lord (Viscount Palmerston), and I think that speech was of the greater importance, because, from the very circumstance to which exception has been taken to-night, we must remember that the noble Lord cannot be accused of unfriendliness to the Government of France or of being readily alarmed with regard to the defence of England. Yet the noble Lord came down to the House with the Report of the Commission, and made it an occasion for expressing in the House his feelings and opinions as to the situation of the country. It was a military question, but it was not left in the hands of the Secretary for War. It was partly a financial question, but it was not left with the Minister of Finance. The First Minister of the Crown came down himself to the House, and made it a European question. He showed the condition of our

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defences, and the dangers to which we are exposed. He pointed out the evils that must accrue to us from a hostile force landing on our coast; and described to us the calamities that must ensue from Bristol or Liverpool being attacked, or from an enemy marching upon London. That speech was one of the most serious and alarming we ever heard delivered by a Minister of the Crown in the time of peace. Contrasts have been raised between the speech of the noble Lord now and the opinions he expressed last year. I regard with great satisfaction that contrast. I am glad to hear what I believe to be the language of truth substituted for what last year appeared to be the language of conventional complacency and courtesy. I believe that the speech of the noble Lord this year shows his deep sense of the responsibility under which he feels himself to lie. The noble Lord, laying aside official reserve, told us that there was no use in disguising the fact that the Power against which he asked the House to take precautions was our nearest neighbour, France; and, most important of all, he gave the House to understand that the Government had received information, remonstrances, and warnings, which threw an amount of responsibility upon any Ministers that neglected them, to which the present were not willing to expose themselves. I ask the House whether the noble Lord, with all his inducements to reserve, and with all the means of information at his command, would have made such a statement except under a sense of imperious necessity? Such a declaration, then, throws upon us a still greater responsibility if we refuse to adopt the Resolution. I, for one, only regret it does not go further. I think three years ought to be the utmost limit, and that if the necessity is urgent, the more speedily the works are finished the better. I do not think any Commission could be more carefully nominated. I cannot help thinking that the opinions of naval and military men have been treated with too little respect on this occasion. If a naval or military man differs from the hon. Member for Birmingham he is said to be a lunatic. The Commissioners' Report is said to be twaddle. A Secretary of State is accused of hypocrisy by the hon. Member, and the noble Lord and his Cabinet are taunted with cowardice. Public feeling is in favour of this vote, and thereupon the public are said to be struck with insanity. This is an easy way of disposing of the

opinions of those who differ from the hon. Gentleman; I would, however, beg to remind him that impartiality does not exist exclusively among those who have no means of information beyond that which is open to all the Members of this House. But I do not think the defence of our coasts ought alone to engross the attention of the Cabinet. Nothing so much surprises foreigners and those who reside in our colonial possessions as the careless, indifferent, and reckless way in which we exist as to our security from notorious external dangers. We seem to forget that there are great moral as well as material considerations involved in our security. We talk of the safety of England, but they ask whether the safety of England has a mere local significance? They say that the safety of England in the estimation of every reflecting person in Europe, is the preservation of all that is valuable to the peace and progress of mankind. They know that the commerce of England covers every sea, and that the security of England means the security of the only moderating and tranquillizing Power that exists in Europe. They know that if England should vanish out of existence the whole of the Continent of Europe would probably pass under the dominion of despotism. If England fell, how long would the nationality of Belgium endure? How long would the independence of Germany remain? How long would Italian unity be anything but a dream? No; the moral influence of England abroad is irresistible in exact proportion to her impregnability at home. Our greatness does not consist merely in our wealth, our commerce, our institutions, or our military renown, but in those tributary elements that constitute a gigantic moral force, of which freedom is the animating principle and peace the holy mission. There is not a friend to freedom of thought who does not turn to England as its supporter. There is not a friend to peace who does not bless England for the power she wields and the example she sets. Every man who is the friend of his species, looks upon England as the great depository of political truth, her safety as their pride, and the peril of England as their despair. With such considerations while I value the safety of England as regards the security of our coasts, I value it also for the responsibilities and duties imposed upon us in our relations to humanity at large; and the latter consideration is of such paramount importance that it should not be overlooked in a dis-

cussion such as that in which we are now engaged.

SIR FREDERIC SMITH said, that Sir Howard Douglas had informed him that he gave his general adhesion to the Report of the Commissioners, and to the scheme which had been submitted by the Government to the House; and he (Sir Frederic Smith) felt very unwilling to criticise any portion of a proposal which was supported by so eminent an authority. He had to add that, as far as the defence of our seaboard was concerned, he was himself a decided supporter of that proposal. But, before he proceeded to discuss its details, he should be glad to know whether his right hon. Friend the Secretary for War meant to carry into effect so much only of the scheme as could be completed for a sum of £5,000,000, or whether what the Government now asked for was part of a larger sum of £10,000,000 or £12,000,000?

MR. SIDNEY HERBERT said, that the estimated cost of the whole of the works to which the Government had asked the House to give its assent during the present Session was only £5,000,000. It would be for the House, on a future occasion, to decide whether they would embark in any undertaking which would require a farther outlay. This year it is pledged to nothing except the works which are included in the return which has been laid before the House.

SIR FREDERIC SMITH: In point of fact, the House is to understand that it is the intention of the Government to carry out in their entirety the recommendations of the Commission.

MR. SIDNEY HERBERT: I have stated that at several points to the landward the Government propose to execute a less amount of works than are proposed by the Commissioners. The House is now only asked to pledge itself to the particular works mentioned in the return, which will cost £5,000,000.

SIR FREDERIC SMITH was quite satisfied with the explanation. His right hon. Friend had shown great judgment in omitting some of the works, and the adoption of that course had removed many of the objections which he had entertained to the scheme. He was, however, prepared to show that our military force was not large enough to man the works originally proposed by the Commissioners, and give us an army in the field, which was of more importance than they were. If an enemy came to this country it would be to insult

us by marching on and occupying the capital, and, if possible, to subjugate us. The Duke of Wellington expected that invaders would come by the narrow Channel, and in his celebrated letter to Sir George Murray he recommended that works should be constructed at Brighton and on that part of the coast; adding that we must have an army in the field, as it would be there and not in the fortifications that the battle must be fought. He should be the last man in the House to recommend that we should not defend our seaboard, and he hoped that the works for that purpose would be commenced immediately and prosecuted without a day's delay; but he hoped that there would be no expenditure upon Portsdown Hill, the lines on which would be seven miles in extent, longer, indeed, than those of Sebastopol. The whole circuit of the defences of Portsmouth, including those proposed at Portsdown Hill and in front of Gosport, would be almost equal in extent to the lines of Torres Vedras. If there was an army of 20,000 men allotted to defend the Portsmouth District, 5,000 would be required for the Isle of Wight; Sir John Burgoyne said that 12,000 men would be required for Portsdown Hill, and there would, therefore, be only 3,000 men left for Gosport lines and Portsmouth. The lines on Portsdown Hill would be not only useless but mischievous; because, if we could not defend them and were driven from them, they would form a strong position for the enemy. He did not see how an enemy was to attack the land side of Portsmouth. The works which his right hon. Friend proposed to erect would shut him out from Southsea, round to Langston harbour, and round to the Gosport side, from the Needles, and from St. Helen's. He must either land to the eastward of Langston harbour, or to the westward of Southampton, in Christchurch Bay. An army landing at either of these places, however, would have to make a long march with its flank so exposed that with a hostile force in the field it would not attempt it. He was also informed, upon high authority, that even if the lines on Portsdown Hill were erected points could be found under cover from which the dockyard could be bombarded. You ought to have a force of 100,000 men in the field for the defence of the country and the Metropolis, and if a hostile army attempted to besiege Portsmouth or occupy Portsdown Hill its rear would be exposed and it would be annihilated. An invading army would have

to bring with it artillery, ammunition, and all its provisions, and under such circumstances it could not make the march from Christchurch Bay, without being exposed to serious loss, if not complete defeat. In the year 1803 the country was well mapped out. The Horse Guards knew every stack, every hedge, every pond, and anything which could support either a horse or a man. There was not a line from the coast to the Metropolis that was not mapped, and an arrangement made for its defence. No doubt, his right hon. Friend had done, or would do, the same thing, and if unfortunately we should be invaded it would only be necessary to send officers to particular spots with orders what to do, and the enemy would find very difficult to march to London. The idea of defending London by fortifications was perfectly absurd, and he was very glad that the Government had entertained no project of that kind. He took it for granted that the Commissioners had carried out their instructions, and he therefore hoped that his right hon. Friend had received from them a confidential Report showing how London was to be protected, and where battles were to be fought. Under all circumstances, the line of march upon London must be within a very narrow space, and, with 100,000 men in the field, our Yeomanry and our Volunteers, who would be most valuable auxiliaries to the redcoats, we ought to be able to arrest the progress of the enemy. But we must keep our army in the field of strength sufficient to meet them at any one of three or four points which they might attack. We could not obtain artillerymen to man the works which were recommended, because it was idle to say that a gunner could be made in a month. He could not conceive how the Commissioners, who were men of experience, could have accepted such a fiction. The right hon. Gentleman the Member for Stroud (Mr. Horsman) stated that the Government had not put upon the Commission any men who held official positions. In this he was in error. There were on the Commission the Governor of Sandhurst, the Governor of Addiscombe, the officer of Artillery from the War Office, and an Admiral from the Channel fleet. The only unofficial person was Mr. Ferguson, who was a very proper person to be on the Commission. He did not object to the individuals, but he thought that men of higher position and greater experience might have been selected. Lord Seaton might have been appointed upon the Com-

mission, and it would also in his opinion have been a great advantage if his right hon. Friend the Secretary for War, who possessed more knowledge of the army than any other civilian whom he had ever met, had been a member of it. He thought that the Portsdown Hill works should be omitted from the Estimates, and that no fortifications near London should be attempted; the left bank of the Medway should not be left entirely out of consideration, but that part of the project of the Commissioners required careful revision. He quite approved of the works proposed to be erected on the East of Chatham, which indeed were suggested to him some years ago by his lamented Friend Sir William Peel.

VISCOUNT PALMERSTON: Sir, I am not going to repeat what I stated the other evening; but I hope the House will allow me to make some few remarks upon what has been said by hon. Members in the course of this debate. My hon. Friend the Member for Bristol (Mr. H. Berkeley) was exceedingly eloquent in denouncing what he called the un-English notion of fortifications. But if I recollect rightly, when we have objected to the Ballot, which he has so frequently advocated, as un-English, my hon. Friend remarks upon the low ground we have taken in the argument. But I beg leave to remind him that there is nothing so English as the notion of fortifications. In times when hostilities were carried on between different parties and families the whole country was studded with fortresses. There was no country residence which was not fortified against attack. I suppose my hon. Friend has heard of Berkeley Castle? I never had the pleasure of seeing it, but, if I am not misinformed, it was a place of strength in times past. In fact, England, Ireland, and Scotland are full of places which, when internal disturbances prevailed, were fortified against attack. In consequence of the progress of society those places are now nothing but the residences of great nobles. Our danger is not now within; it is without; and therefore the same system of fortification which was applied to residences within the realm is now to be applied to places of importance to secure them against attack from abroad. That the principle of fortification is engraven on the mind of every Englishman was proved by the hon. Member for Brighton (Mr. White) who told us that if he had intended to take part in the debate

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he would have "fortified" himself with better arguments than those which he advanced this evening. The hon. Member, moreover, seems to have some other notions which are rather remarkable; because I think he intimated that it would be a better arrangement if our dockyards could be placed in a more inland situation.

MR. WHITE: The first joke was a rather good one, because it happened to be founded on fact, but the second has no foundation whatever.

VISCOUNT PALMERSTON: I beg the hon. Gentleman's pardon; perhaps he only meant what was afterwards repeated by the hon. Member for Liskeard, that our stores of naval timber should be removed further inland—a suggestion, by-the-by, which would not tend to expedite the construction of our ships. The arguments of the hon. Member will not, however, have much sway in the decision of the House on this question. The hon. Member for Birmingham was exceedingly eloquent in supporting the Amendment; but, as far as I could collect his argument from his speech, he rather dwelt upon a variety of schemes which we have not adopted than endeavoured to show that the plan which we have adopted is undeserving the attention of the House. He enumerated a great number of schemes which he denounced as absurd and totally unfit for adoption. I concur in the criticisms he made upon those plans; but they have nothing to do with the proposal of the Government, which is entirely different from the schemes he denounced as absurd, less expensive, and much better adapted for the object in view. The hon. Member likewise denounced as insane all those who differ from him in opinion upon this question—the Government, the House, and the public. He reminds me a little of the man who said a difference of opinion had arisen between him and the rest of the world; he thought the rest of the world were all mad; they voted him mad, and having a majority against him, they shut him up in a madhouse. The hon. Member in like manner thinks everybody wrong except himself; he thinks the whole nation has gone wild in insanity; but I trust the majority will be as great against him as it was against the unfortunate individual who was put into a madhouse. It has been said that it is vain to attempt to fortify, and the hon. Member for Brighton charged me with having misled the House with respect to the character of certain

works on the Continent. He referred in a particular manner—or if he did not somebody else did—to the fortifications of Paris. I beg to say that those fortifications of Paris are not deserving the condemnation which has been frequently pronounced upon them; because I imagine, if they had existed in 1814 and 1815, Paris would not have been occupied so easily by a foreign force. It is true that the Emperor Napoleon was deprived of the co-operation of a large body of troops which had been left behind in distant positions; but that was the very reason why he would have been placed in a much better position if Paris had been fortified as it is now. There was a National Guard of 80,000 men belonging to Paris, and that National Guard, joined to the troops which he had with him, would have enabled him to make a stand in the capital until the rest of the army had come up to his assistance. The hon. Member for Brighton also said there was no advantage in the fortifications of Ulm, Coblenz, Posen, and Warsaw, because all those places were successively occupied by French troops twenty or thirty years before the fortifications were made. Again, the hon. Member for Liskeard has inveighed strongly and justly against the attempt to defend London and the whole line of the coasts by fortifications. But I beg leave to remind him that our proposal is not to line the coast with fortifications to prevent a landing, or to encircle London with detached forts. Our object is to protect certain points of great importance which are the cradle of our navy, and without which we should lose our maritime power—a power which everybody who has spoken to-night admits it is essential we should maintain. But the hon. and gallant Admiral the Member for Southwark (Sir Charles Napier), with the partiality of a sailor, says, "Double or triple your fleet, and I will undertake no enemy shall land." I am not surprised that the hon. and gallant Member should speak lightly of fortifications, because he has a way of his own of dealing with them. I remember hearing an anecdote of him, which he will, perhaps, allow me to mention. It redounds to his credit, and I have, therefore, no hesitation in relating it. A military friend of mine, unfortunately now no more, once told me that he met the hon. and gallant Admiral on the northern frontier of Portugal, mounted on a mule, and followed by a marine with a musket on each shoulder. The hon. and

gallant Admiral, my friend said, looked more like Robinson Crusoe than anything else. He stopped my friend, and said, "You are a soldier, tell me how you take a fortress." My friend began to explain how approaches and zigzags were made, and all that sort of thing; but the gallant Admiral interrupted him, and exclaimed, "That won't do for me; it would require too much time; I am going to take Valencia, and I mean to take it with a letter." He did take it with a letter, for he wrote to the commanding officer that if he did not surrender at discretion he would soon compel him, and such was the fame which the gallant Admiral had acquired by his various operations, and such the terror of his name, that the Governor of Valencia at once agreed to surrender. I am not surprised, therefore, that the hon. and gallant Member should undervalue the strength of fortifications; but, nevertheless, I think the history of war shows that they do enable an inferior force to hold out for a certain time against a superior force; and time in war is a great deal, sometimes everything. We want to protect our dockyards and certain other important points from being taken by a *coup de main*. The hon. and gallant Gentleman who spoke last approves generally the outline and most of the details of our plan. The principal point to which he objects is the proposed works at Portsdown Hill. That is a matter, no doubt, upon which there may fairly be a difference of opinion; but it is an unquestionable fact that with the improved artillery, an enemy posted on Portsdown Hill could effectually bombard the dockyard of Portsmouth. The hon. and gallant Gentleman, however, says the enemy could not get there; but I am very much disposed to dispute the soundness of that opinion, because although it may be a long way from Christchurch, it is not from Chichester, and an enemy landing on that part of the coast a little to the eastward of Portsmouth would be enabled after a short march to secure possession of Portsdown Hill, and obtain the command over the adjacent dockyard. It is further contended that the construction of the proposed works would involve an immense addition to our regular army. Now, I maintain that such would not be the case in time of peace; but that, upon the contrary, a saving of the public money would, if our proposal were carried into operation, be effected. These works would, for instance, afford barrack accommodation for

our troops, an object for which we must otherwise provide at a considerable cost; while if, upon the other hand, we unfortunately should happen to be engaged in war, we should naturally be obliged greatly to increase the number of men under arms, to add to the regular troops, and to call out the Militia; so that, under those circumstances, the necessarily augmented amount of your military force would furnish you with the means of manning your fortifications, as well as of keeping up the requisite number of men in the field. The gallant Officer to whom I have already alluded, however, contends that we cannot make gunners in a month; and I am aware that gentlemen belonging to the military profession are, generally speaking, of opinion that it takes a long time to form a soldier. We have, nevertheless, seen the contrary unmistakably proved by the progress made by the Militia and Volunteers; and as it is with those services so it is also with the Artillery; for I know from my own experience that some regiments of Militia Artillery have even during the brief period of twenty-eight days, during which they have been called out for training, acquired considerable skill and handiness in the use of the guns. I am now referring to the Devonshire Artillery, whose practice was said to be equal to that of the Royal Army. I may add, that no person knows better than the hon. and gallant Officer, when he talks of the number of artillerymen which would be required to man the proposed works, that one or two skilful gunners are sufficient to serve each gun—it being, of course, desirable that there should be a second to take the place of his comrade in the event of any casualty which may arise—and that the others whose services would be needed would be only those who are commonly termed "handspike men." The number of gunners necessary for the service of these guns must not be calculated by the number of men required for the service of each gun. I repeat, then, that in time of peace it would not be necessary to make any addition to your regular army as the result of the erection of these works; while in time of war you might man them by placing behind them troops competent to their defence, although perhaps less perfect in their training than your picked soldiers. I may add that if you should not possess the works of this description necessary to defend your dockyards, you would be compelled, as is well stated

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by the Commissioners, to keep up a larger number of men than would otherwise be required for the purpose of defending these very places which we now ask you to enable us to fortify. There is, I may further observe, a great difference between laying out money on fortifications and expending it in making an addition to the number of our troops. It has been said to us in the course of this discussion, "Increase the army and we will vote any number of men for the purpose which you may deem requisite." Like Lyeurgus and the Spartans, some hon. Gentlemen want men instead of stone walls. But it should be borne in mind by those who advocate this view that if we expend a certain sum of money in any particular year in raising an additional number of men, we shall not in consequence be stronger to defend ourselves in the next or any succeeding year, unless we go on annually renewing the original outlay. If, however, we expend our money on the erection of fortifications which will enable us to dispense with a greatly increased military force, we shall be furnished with the means of protecting our shores without repeating the original expenditure so long as those works endure. In an economical point of view, therefore, the course which we propose appears to me to be that which is best entitled to the sanction and approbation of the House. Now, I have been accused of changing my opinions on this subject, and acting on the present occasion in direct opposition to the views to which I formerly gave expression. The fact is, however, that my opinions on this particular point have undergone no variation, inasmuch as for a great number of years past I have entertained a strong conviction that it was absolutely necessary to defend by means of fortifications our dockyards and the more vulnerable parts of our coasts. Indeed, as I had the honour of stating in this House on a former occasion, I have during the last ten years laboured incessantly to lay the foundation of the proposals which we now make. But it is said that in submitting such a scheme to the notice of the House it would seem as if we did not place much faith in the operation of the Commercial Treaty, and attached little value to the friendly intentions which may be manifested and expressed in our regard by the Ruler of France and the French Government. Now, let me remind the House that the Commission on whose Report our proposal is

based was appointed more than twelve months ago, long before the Commercial Treaty was thought of, and that it is therefore wholly unconnected with that instrument. I may further observe that, although the treaty may furnish us with a fair prospect of maintaining more intimate relations with France even than those upon which we now stand with that country, yet that circumstance affords, in our opinion, no sufficient ground why we should abandon intentions founded on long deliberation, guided by reasons which are to our minds conclusive, and on which we believe it to be our absolute duty to act. I, for one, sincerely hope and trust that pacific relations between England and France may continue for a long time uninterrupted; but I am nevertheless convinced—and the conviction is one which is based on plain common sense, which is independent of naval or military knowledge, and the soundness of which must strike the most uncultivated mind—that the only way to secure the country against attack is to be strong enough to defend ourselves; for those who possess that strength are, of all people in the world, the most likely to remain at peace with those between whom and them any intercourse exists. That being so, I would claim the vote of the hon. Member for Birmingham on his own principles. He who is a lover of peace ought, I contend, to support a measure which is calculated to render the enjoyment of that blessing more permanent and secure; for he may depend upon it that if there be one thing which more than another tends to endanger the continuance of peace, it is when a wealthy nation like England—the object of a natural rivalry and jealousy in the case of other Powers—leaves herself open to attack and insult without having the means of repelling the one or avenging the other. I cannot, under these circumstances, persuade myself that the House will not consent to this Resolution by a large majority. You have only to look without these walls to see how the feeling of the country on the subject of making adequate provision for our defence has manifested itself in the great Volunteer movement. They who have thrown themselves into that movement with the approbation of their fellow-citizens expect that the House of Commons will exhibit a spirit in unison with that which they themselves have displayed; and I feel assured that no greater disappointment or mortification could be in-

flicted on the country—that nothing tending to bring down more universal or severe reprobation on the House itself could occur, than that you should reject the Motion which is now under your consideration, and which, if carried, would enable us to make at a very moderate expense, comparatively speaking, a very great addition to our means of defence.

SIR MORTON PETO, who rose to speak amid loud cries for a division, was understood to say that he felt the Committee were not in a position to deal with this question, on the ground that they had not sufficient information before them. The Report which had been presented to the House would, on a careful perusal, show that it did not touch the question in all its bearings; and consequently the Committee would not be justified in coming to a conclusion at present. He objected to the land defences, which were recommended in the Report. If the Committee were to ask him for proofs and instances, he would point to the siege of Sebastopol. The Committee would recollect that when the united armies approached that great fortress, the south side was unprotected; and he would ask whether they did not see earthworks carried out which kept the united strength of England and France at bay for some months. He would ask the Committee to consider that if an hostile force were to land and march on London, we must necessarily adopt the same means of defending ourselves. Englishmen would show the same practical mode of defending themselves, as the Russians did at Sebastopol; and there would be plenty of time to carry out earthworks. He would ask, Whether the Government were justified in coming to the House, and asking for this Vote; which in case of danger would be obtained at any moment. ["Divide!"] They were spending £1,500,000 of money in sheathing vessels of war, and they were recasting the whole of our artillery; and if these fortifications were proceeded with, other alterations must take place. The Government were not justified in proposing this enormous expenditure without giving further time for consideration, and he felt that they had not sufficient time. ["Divide, divide!"] He would not attempt to go into other questions, because he saw the impatience of the Committee to come to a division. But he would again say that he felt the importance of the subject, and that the Government were not justified in hurrying it on. He

should be compelled to vote against the Motion. ["Divide, divide!"]

Question put, "That the words proposed to be left out stand part of the proposed Resolution."

The Committee *divided*:—Ayes 268; Noes 39: Majority 229.

MR. BRIGHT: I wish to put a question to the noble Lord at the head of the Government. On looking over the Report of the Defences Commission, I find that they really give no reasonable excuse for the expenditure of the money which is proposed to be laid out at Dover and Portland. They say that if there were not some fortifications there already, there would be no use in erecting others; and I believe that the idea of fortifying Dover, arises only from an old superstition. There seems to be no particular interest to protect there; and probably the noble Lord, notwithstanding a vote of the House, will take into consideration whether it may not be desirable to save the £335,000, which it is proposed to expend at this point. With regard to Portland, the Commissioners have nothing better to say. There are no establishments there, and it is not intended to create any; I cannot understand, therefore, why this £630,000 should be spent when no reason whatever is given for it. I see in the Resolution that Cannock Chase is not mentioned. In the Report of the Commission it is referred to, but no estimate is given; and it appears to me that the House ought not to determine what is to be done until they have further information. If it is intended to remove the works from the manufactory at Woolwich to Cannock Chase, that is one course. But if things are to remain as they are at Woolwich, and you are to form an entirely new establishment at Cannock Chase, that is a proposal to which the House might not be prepared to agree. Not a word has been said in this House as to what is intended to be done at Cannock Chase, or as to the amount which is to be spent. No doubt, some persons are anxious that these plans should be pressed forward, because we are told that two or three noble families are likely to have large additions made to their fortunes. ["Oh, oh!"] This statement may be unpleasant to hon. Gentlemen opposite; but it is a fact. According to the forms of the House, I am not at liberty to move the Amendment with reference to these Resolutions, which I should wish to propose respecting Dover and Portland, whereby a saving of a million might be effected. I

merely make the suggestion; and, as I presume a Bill will have to be introduced in reference to this matter, perhaps the Government will further consider the subject, and try to be a little more economical than they seem hitherto to have been.

VISCOUNT PALMERSTON: With regard to Dover, it is quite true that if there were no works and no harbour, it would be a question whether the mere topographical position of Dover would or would not lead you to construct defensive works there. At the same time Dover is the nearest point to France, and consequently the most readily reached; and in that sense it becomes a point of strategical importance. You have had in all times, according to the mode of warfare for the time being, works of defence at Dover; of late years you have made a harbour, intended, it is true, mainly for the mercantile navy; but having that harbour and having those works, it can hardly be a question whether you ought not to take such measures as would prevent an enemy from taking possession of it for the purpose of landing the infantry, cavalry, and artillery necessary for carrying on an invasion upon a large scale. Dover on one side and Portsmouth on the other, with a central position at Aldershot, present a triangle which is important for the defence of London, and therefore I do not think we ought to abstain from completing the works at Dover. With regard to Portland, the same consideration arises and we are only taking the money requisite for completing works already sanctioned. There is no intention of making any great naval establishment there; we are only taking measures to prevent that important harbour from being used to land a hostile force. In the Resolution there is no mention of Cannock Chase. The Report simply alludes to it as one of some six or seven places suggested—and my own opinion is that perhaps it would be the best—for the purposes of a central arsenal. It has long been felt that it was very inexpedient to have all our military stores collected at Woolwich, a place which it was impossible to fortify sufficiently except at an enormous expense, but which, if taken, would deprive our army of the means of carrying on operations. It has, consequently, long been thought a matter of great importance to have somewhere, in a central position, a collection of stores which, even if Woolwich were taken, would afford a sufficient supply to the army. The Resolution sim-

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ply affirms that it is expedient that there should be a central arsenal.

MR. BRIGHT: The noble Lord has not exactly answered the question I put to him. Within the last two or three years an enormous increase of the establishment at Woolwich has taken place; vast sums have been expended, the number of persons employed has been largely added to, and the stores kept have greatly multiplied. What I think the House has a right to know is, whether it is intended to transfer a portion of these from Woolwich to the new establishment, or whether there is to be a great arsenal wholly independent of, and superadded to, that which now exists at Woolwich. Because if you are going to establish another Woolwich at Cannock Chase, or elsewhere, it becomes a very serious question how much you are to expend upon such a plan. The House might be willing to sanction the spending of £500,000 where they would refuse to incur an outlay of £5,000,000. The noble Lord in a supplemental Estimate has taken £150,000 for the purchase of land for this internal arsenal. I think, according to the custom of this House, he had no right to take a step involving such serious consequences without telling the House particularly what he intended to do, and what was likely to be the cost of the undertaking. The noble Lord will probably recollect that some years ago a Vote of £40,000 was taken for a dock at Keyham. Afterwards a Committee was appointed and engaged in inquiries relative to the Army, Navy, and Ordnance, and they said that if Keyham Dock had then to be begun they would not recommend the expenditure of one shilling upon it, but as £900,000 had already been spent there, the House had better vote the money to finish it. In the same way we may begin with an expenditure of £150,000 upon this central arsenal, and we do not know how many millions of outlay we may be led into. I protest against any such expenditure being begun by the Executive in the absence of full information upon which hon. Members may form an opinion. Perhaps the House is not likely to take my advice on the subject, but I think it ought not to be committed to a course of expenditure which it cannot retrace, without being furnished with the proper information by the Executive.

MR. MONSELL believed that, although he could not move an Amendment upon the Resolution, he should not be out of

order in moving an addition to it. The opinion of a majority of the House seemed to be that although the sea defences recommended by the Commission should be constructed, it would be inexpedient to begin the land defences at Portsmouth and Plymouth without further information. That remark applied particularly to the proposed fortifications on Portsdown Hill, inasmuch as the only evidence taken by the Commission on that subject was against their construction, and not one person had spoken in favour of them. The Committee would also remark, that although Artillery officers were so well able to speak on a question of fortifications, there was only one Artillery officer on the Commission, and although three were called as witnesses, none were examined upon the essential points of the inquiry. The question of floating batteries had been very differently treated, for it had been referred to a Commission of naval men who were most competent to pronounce an opinion on the subject. But upon questions with which Artillery officers were best acquainted they were not consulted at all. Under these circumstances, the addition which he proposed seemed so reasonable a one that he hoped the Government would accede to it without a division.

Another Amendment proposed, at the end of the proposed Resolution, to add the words

"That in the absence of sufficient engineering and artillery information, it is not expedient to incur any extraordinary expenditure on the construction of permanent works on Portsdown Hill."

MR. NEWDEGATE thought that the Committee must trust to the responsibility of the Government in respect to those works, and he could not support the addition, because the House seemed to be almost unanimously of opinion that our arsenals should be protected. The House would certainly act very hastily if, without further consideration, they proposed at once to lop off an essential portion of the works which had been recommended by Government, no doubt on the highest authority. With respect to another matter to which the hon. Member for Birmingham had adverted—namely, the question of the establishment which it was proposed to erect in Cannock Chase, that was an entirely different matter. No doubt they ought to defend the seaboard and the arsenals of our navy; but whether in a constitutional point of view it was desirable to establish a strong fortress in the centre of this coun-

try was very doubtful, such a proposal would, he (Mr. Newdegate) had no doubt have been condemned by the highest authority when constitutional authority was more a matter of consideration than it was at present. There was no longer any fear of having a larger standing army in this country than we might require for our protection; but still he hoped that the Committee would pause before any fortress was erected in the centre of England, because there was certainly something un-English in the idea. London must have been taken before such a fortress would be of service against foreign invasion. He (Mr. Newdegate) quite concurred in the opinion that all our warlike material, and means of creating it, ought not to be concentrated in one or two exposed positions on the seaboard. He was one of those who voted in the Committee on small arms, that the establishment at Enfield ought not to be removed to Woolwich, but he could not conceive a more favourable place than Weedon for the formation of a large establishment for stores, &c. He therefore hoped the Government would consider that there might be great objections to a central fortress, which would not apply in any case to the defence of our coast. The erection of a central fortress would, indeed, be something to which they were not accustomed in this country, and might be regarded as a menace to the people.

SIR MORTON PETO asked the Secretary for War whether it was the intention of the Government, before proceeding with a central arsenal, to give the House ample details, and enable them to express an opinion after full deliberation.

MR. VINCENT SCULLY said, he spoke on this question as a disinterested person, seeing that it was not proposed to extend these fortifications to Ireland, and in that country they had no arsenals to defend, no Volunteers, and hardly any trade to protect. The last remnant of their trade was suddenly swept away by the Chancellor of the Exchequer the other day, when he raised the spirit duties; and next Monday the right hon. Gentleman proposed to go further in the same direction by his course on the paper duties. Then as to Church and State, they had very little State, and the Church they had they did not care much about. He agreed in the propriety of protecting our naval arsenals, but the construction of a central arsenal was a different question. If, indeed, that arsenal

were situated between the sea-board and the Metropolis—if it would mask London and would enable us to mass troops there and send them to confront an invader, there might be some reason in the establishment of such a fortress. But common sense would suggest that Cannock Chase could be of no service for the protection of London, and the Government ought seriously to consider whether they would carry out this portion of the scheme. The proper way to defend the country was to avail themselves of the lines of railway and the telegraph, so as to pour the troops down to any place that was attacked. If hon. Members would take the map of the last *Bradshaw*, they would see that there was not a port which could be attacked to which a railway did not go. So far as regarded any of the assailable sea-boards of England. It was very different, however, as to some of the Irish ports. He considered the increase of the military estimates from £12,000,000 in 1835 £32,000,000 now, showed an unpardonable squandering of public money, and he thought a Commission to inquire into the subject, but upon which no naval or military man ought to be allowed to sit, would be useful.

MR. SIDNEY HERBERT said, the Government could not agree to the exception proposed by the hon. Member for Limerick (Mr. Monsell). It was said there was no information in regard to Portsdown-hill; but there was the evidence of the Commissioners themselves, of the Duke of Cambridge, of Sir John Burgoyne. [MR. B. OSBORNE: No.] Yes. The fact was, Sir John Burgoyne had given two opinions—one when he doubted the willingness of the Volunteers to undergo training; but since he had seen the actual progress of that movement he had honestly retracted his former opinion. There was the evidence of Captain Wiseman, R.N., Colonel Dickson, Colonel Smyth, R.A., Captain Wrottesley, and others, who recommended the fortification of Portsdown-hill. With respect to Cannock Chase nothing had as yet been done. There was cheapness of land, and communication by canal and railway; but the exact site was not determined upon. As the Government had resolved not to fortify Woolwich it was thought right not to leave all the stores for the army and navy in one place, and that therefore a reserve depôt should be formed elsewhere.

MR. BRIGHT said, that the right hon. Gentleman had not given an answer to

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his question, or to that of the hon. Member for North Warwickshire. The question he (Mr. Bright) put was, whether the noble Lord at the head of the Government would furnish the House with information as to what they proposed to do, and as to the expenditure likely to be incurred, before the House was committed to the Vote of £150,000 for the purchase of land for the central arsenal. The hon. Member for North Warwickshire asked whether this was to be a great fortification. They knew Staffordshire was not far from Lancashire and Yorkshire; it was near one of the most densely populated parts of the kingdom, and there might be good constitutional reasons why they should not have a fortress there. If they had works for the purpose of casting cannon, of manufacturing stores, it might not be absolutely necessary to have anything in the shape of a great fortification, because if any enemy were to come from any foreign country—and he (Mr. Bright) could not find where he was to come from—surely the whole thing would be very near an end by the time he reached that part of the kingdom. Was the fortress then to be a great fortress against an enemy or against political events which might happen in this country? If the noble Lord would not give such information, he should move that Mr. Massey leave the Chair. He was persuaded they were not fulfilling their duty as Ministers in concealing anything of that kind, and he was sure the House would be supported by public opinion if they were to resist further proceedings until they should receive that information.

VISCOUNT PALMERSTON said, he had no desire to conceal anything. It had long been remarked, by every one who had turned his attention to the subject, that it was inconvenient and dangerous to have only one great depôt for all the military and naval stores to defend which would require an expenditure which the Government could not venture to recommend; and therefore it was thought judicious to establish another depôt for reserve stores, in case of any accident occurring at Woolwich. It was not decided what spot should be selected; and therefore it was impossible to say what kind of establishment would be formed; but there was no intention to create a great inland fortress for political purposes.

MR. BERNAL OSBORNE said, he should support the Motion of the hon.

Member for Limerick. The hon. Member for Warwickshire had left the responsibility to the Government; but he (Mr. Osborne) felt he, as a Member of Parliament, had a responsibility in voting the people's money. That money was now asked for to construct works at Portsdown-hill, contrary to the evidence given before the Commission; and, after the remarkable speech of the hon. and gallant Member for Chatham (Sir Frederic Smith), an Engineer officer of fifty years' experience, who had stated that those works were unnecessary. The witnesses quoted by the Secretary for War at the last moment appeared to be contemplating a bombardment of Portsmouth, 8,000 yards distant from Portsdown-hill; and when the House was told that the nearest point at which an enemy's force could be landed was in Christchurch Bay, forty miles distant, he would ask whether such a force would be allowed to proceed without interruption. This evidence of Sir Howard Douglas had never been brought forward before; and altogether the Report on this point was most insufficient. Most certainly, therefore, he should vote for his right hon. Friend's Amendment.

VISCOUNT PALMERSTON said, the hon. Gentleman had totally forgotten that an enemy might land just as well at Chichester as at Christchurch. If the enemy would sit down quietly for three weeks before Portsmouth while earthworks were being raised, and raise earthworks for himself, as was done at Sebastopol, no doubt that would be all very well; but probably the enemy would not think that the wisest course to adopt.

CAPTAIN JERVIS said, that though he was strongly opposed to the works at Portsdown-hill, he maintained that the responsibility ought to rest with the Government, who had the opportunity of taking the best possible advice on the subject. When the project for fortifying Paris was first started, Marshal Soult was for defending it by entrenched camps at some distance from the city, as he had a strong objection to surrounding any large town with fortifications; but he was overruled by the Ministry, and in his speech to the Senate he waived his own opinion, and stated that the country must leave the responsibility to the Government, who alone had the means of obtaining the best advice on the subject. In the same way on the present occasion the country must rely on the Government taking that course which the best autho-

rities thought most advantageous. Any objections which he might have had to the Government scheme had been removed by the speech of the Secretary for War; and if the advice of Sir Howard Douglas had been made public sooner, it would no doubt have removed the objections which were felt by many professional men. The removal of the stores in the Woolwich Arsenal to a central point where they would be less liable to attack was a point of the utmost importance. At present Woolwich was entirely undefended. With 100 men he would undertake to destroy it any day. It was only surrounded by a brick wall, and was full of combustible matter. The point to which the stores were to be removed was also a mere matter of opinion which must be left to the Government. He was sorry to hear the hon. Member for Birmingham stigmatize the Gentlemen who had made this Report, and who had done their best to be serviceable to the country, as a set of lunatics. If there was any lunacy in the matter it was the idea that the removal of the Arsenal to the centre of the county was meant to intimidate the people. He had some diffidence in giving his opinion on this subject, for he was but an Artillery officer, and, according to the noble Lord at the head of the Government, an Artilleryman might be made in a month—so that his opinion could not be of much value. Still, the noble Lord must remember that there was as much difference between a trained and untrained Artilleryman as between a boy shooting at a sparrow on the wall and a sportsman bringing down a woodcock on the wing. The object of a trained Artilleryman was to hit something, which was a very different thing from loading a gun and popping away all day long. No doubt the noble Lord only meant his observation as a joke; but it had been repeated out of doors, and that sort of joking was not very agreeable to a number of men who, to the utmost of their power, had qualified themselves to do their duty to their country.

Question put, "That those words be there added."

The Committee divided: Ayes 37; Noes 165: Majority 128.

MR. BRIGHT said, he did not want to worry the Government at every stage of the Bill, but he was entitled to ask whether the Government knew their own minds on the matter of the central arsenal. The sum of £150,000 would purchase 4,000 acres of land if it were particularly

cheap, and that represented almost a province. Would the Government furnish them with a plan, and tell them whether it was to be a fortress or a series of great factories? He hoped the Government would not refrain from giving information similar to that which was afforded on the smallest Estimate. If they had no plan they could put it off to the next Session, when the matter could be fairly brought before them and fairly discussed. He did not want to be an obstacle to the plan of the Government, but he must insist on more information than the noble Lord had given.

VISCOUNT PALMERSTON could assure the hon. Gentleman that the Government were disposed to give every information in their power. He thought he had stated very plainly that several places had been suggested — among others the borders of the Mersey, but that was open to the objection that it was almost as exposed to attack as Woolwich itself. What the Government wanted the Committee to do was to give power to purchase land, so that they might begin, if necessary, to make arrangements for a central dépôt. There was no intention to make a fortress, and this Resolution gave them no means to make a fortress. When the plans were formed, and further outlay was required, the Government would give full explanations to Parliament as to the nature and extent of these plans.

MR. BRIGHT said, he was not objecting to Cannock Chase or to the Mersey. It was not a question of site, but of the ultimate object of the establishment.

VISCOUNT PALMERSTON said, the ultimate object was to have a great dépôt of stores. If any manufactories were transferred it would be a diminution *pro tanto* of the expense of Woolwich; but, as far as they had yet gone, their object was to have the great dépôt of stores now at Woolwich transferred to a point less accessible.

MR. BRIGHT: And fortified?

VISCOUNT PALMERSTON: As far as necessary for the security of the stores.

SIR HENRY WILLOUGHBY asked, whether the £2,000,000 would be appropriated to the various objects in the Bill?

VISCOUNT PALMERSTON said, an estimate would be laid on the table showing how the money would be appropriated.

SIR HENRY WILLOUGHBY said, a mere estimate would not be binding.

Mr. Bright

VISCOUNT PALMERSTON said, that there would be a schedule in the Bill.

MR. HUBBARD expressed his regret that the Government had united in one Vote the money to be raised and the mode in which it was to be raised. He would not, however, oppose that part of the Resolution now, but would take another opportunity of expressing his opinion on that subject afterwards.

Original Question put, and *agreed to*.

House resumed.

Resolution to be reported *To-morrow*.

House adjourned at a Quarter after Two o'clock.

HOUSE OF LORDS,

Friday, August 3, 1860.

MINUTES.] PUBLIC BILLS.—1^a Savings Banks and Friendly Societies Investments; East India Stock Transfer, &c.; Landlord and Tenant (Ireland); Ecclesiastical Commission, &c.
2^a Superannuation Act (1859) Amendment.
3^a Conjugal Rights (Scotland); Coast of Africa, &c., Act Amendment; Crown Debts and Judgments; Debtors and Creditors Act Amendment; Railways Act (Ireland) (1851) Amendment; County Coroners.

SLAVE TRADE.—PETITIONS.

LORD BROUGHAM said, he had two petitions to *present* on a very important subject and from very important parties—the one from the Council of the Anti-Slavery Society, complaining—and most justly complaining—of the conduct of the Spanish Government, who, having entered into a solemn engagement by treaty that they would effect the abolition of the Slave Trade, and having received compensation for pretended loss to arise from that abolition, had, in breach of that treaty and in forgetfulness of the compensation they had accepted, allowed the trade to go on, not only flourishing as before, but greatly increasing, to so enormous an extent that from 30,000 to 40,000 slaves were imported into Cuba each year. It was known to their Lordships that Spain was now, to her great disgrace, the only country which carried on the Slave Trade; and whatever pretexts might be put forward, whether the conduct of the colonial

Governors, or the slackness of their own cruisers, or the inefficiency of the cruisers of England and the United States on the African coast, or on the coast of Cuba—the fact was undeniable that Spain had not performed her obligations under the treaty concluded between her and the British Government, and that the Slave Trade had increased enormously instead of being put down. The other petition was from the ex-King of Bonny, on the African coast, of which for many generations his ancestors had been the Sovereigns. Until the year 1834, the King of Bonny, like all African princes, had profited by that execrable traffic; he receiving £30,000 a year from the Slave Trade carried on in his dominions, and his chiefs £60,000—no less than £90,000 a year was their gain—while the traffic continued. As alleged in his petition, he was partly induced and partly threatened into making a treaty by which he was to receive 2,000 dollars a year in compensation of the loss to him and to his chiefs from the abolition of the traffic in his dominions; whereas the payment had been discontinued after the first year.

THE LORD CHANCELLOR thought the noble and learned Lord was not in order in going at large, at that time, into the statements of the petition.

LORD BROUGHAM said, he was quite aware of the rules of their Lordships' House. His experience on the woolsack had extended to almost as many years as that of his noble and learned Friend counted months; and he apprehended that was sufficiently long to have learned that he was in order while stating the general substance of a petition; he might properly state any grievance contained in a petition introductory to the prayer for their Lordships' interposition to remedy it—they need not grant the prayer unless they pleased.

THE LORD CHANCELLOR apprehended it would be more regular to read the prayer of the petition.

EARL GRANVILLE said, that the space between the meeting of the House and a quarter past five was assigned to the presentation of petitions, when the noble and learned Lord might have presented his petitions and made any statement he thought proper. That space had now elapsed, and the noble and learned Lord was occupying time which belonged to the Orders of the Day.

LORD BROUGHAM said, he should

have presented his petitions before a quarter past five if his noble Friend the Lord President had been in his place. [EARL GRANVILLE: I was present.] Where his noble Friend was—whether he was under the table or under the Ministerial benches or where I cannot say; but I looked in vain for a Member of the Government at the time allotted to the presenting petitions, being one quarter of an hour only. The petition stated that before the year 1834 he received £30,000 yearly, and his chiefs £60,000 yearly, as the price of their sanction of the slave trade within his dominions, and that 20,000 human beings were consequently sold into slavery every year from his ports; that on the promise of 2,000 dollars being paid to him annually he had consented to put an end to the traffic, and that he had actually exerted himself to the utmost of his power in suppressing it, and with success; but that, notwithstanding his exertions, the stipulated payment had, after the first year, been withheld from him; and the prayer of the petition was that their Lordships would be pleased to interfere in his behalf by directing an inquiry as to the wrongs he had sustained and the burdens he had endured, and affording him the means of proving his case and justifying his conduct in all respects. It was only justice to this unfortunate ex-Sovereign to state that, unlike the Spanish Government, he had most rigorously, accurately and honestly performed the obligations of the treaty, and that the slave trade by this means had been abolished on this part of the African coast, and the innocent commerce greatly extended in the articles produced. The King of Bonny had certainly set an example to Spain of fidelity to engagements; although Spain had received £400,000 of consideration money, and this unlucky black Sovereign only £500. He (Lord Brougham) had only now to add, that in consequence of the statement made in the other House of Parliament on this subject, he would abstain from bringing forward any Motion relative to the conduct of the Spanish Government, and the injustice to our own West India colonies, which had suffered grievously from the wrongs inflicted by the breach of Treaty committed by Spain.

LORD WODEHOUSE said, he was not aware that his noble and learned Friend intended to present a petition from the ex-King of Bonny on this subject, or he would have come down prepared to explain the

position of the matter on the part of the Foreign Office. He could not admit that, when the whole matter was inquired into the facts would be found entirely as represented in the petition presented by his noble and learned Friend.

LORD BROUGHAM would only say that whatever foundation there might be for his complaints and grievances, the conduct of the ex-King of Bonny was an example to the Spanish Government; for he had performed his treaty engagements, whereas Spain had entirely broken through hers.

TRANSACTION OF PARLIAMENTARY BUSINESS.

LORD BROUGHAM rose to move, pursuant to notice, "That the Report of the Select Committee of the House of Commons on Public Business, of the 14th of August, 1848, be reprinted." His noble Friend now sitting on the cross benches of their Lordships' House (Lord Eversley) was then Speaker of the House of Commons. He gave most important evidence before the Committee, and stated the various obstacles which impeded the progress of public business, and offered most valuable suggestions as to the remedy; and the Committee made several recommendations with a view to facilitating the business of Parliament. It appeared also that then, as at present, Members complained of the increasing tendency to the accumulation of business towards the end of the Session, though no one proposed a remedy for that evil. His noble Friend near him (Lord Derby) had made a full statement upon the subject; but with him he (Lord Brougham) admitted that it was, under existing circumstances, necessary that the recess should intervene before they could attempt any mature deliberation on the remedies required. He also desired, before the end of the present Session, to bring before their Lordships the Resolutions which he (Lord Brougham) had himself proposed in 1845, for the better conduct of private business in their own House. He quite agreed with what his noble Friend (Lord Eversley) stated before the Committee, that a large part of the evil complained of in the hindrance of public business arose from the great and increasing mass of private business. The Members of the other House having been occupied all the morning in Committees on private Bills, necessarily came to the House at four or five o'clock quite exhausted; and the natural conse-

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quence was that they frequently left the House at seven o'clock in the evening, and did not return until perhaps ten o'clock. This often led to an unnecessary prolongation of the debates, for subjects in which they were interested having been brought on during their absence, they had lost their opportunity, and it was necessary either to find or make an opportunity of delivering their sentiments, the result was that constant Motions for Adjournment were made, and on other questions debate was forced on to the great prejudice of the progress of public business. That was the description of the state of things in 1848, and the Committee, in order to remedy the evil, recommended—a proposal which had been sanctioned—that certain restrictions on the making Motions of Adjournment should be imposed. At the present day, however, those restrictions were, so far as he could learn, ineffectual to prevent the abuse of the privilege, especially in the case of the Motion for Adjournment from Friday until Monday, when the opportunity was seized upon by Members of the other House to enter into the most desultory discussion of every variety of subject. Indeed the whole process was a series of debates, not upon the questions before the House but on everything, and the speeches were without number and almost without end. The Committee, he might add, had received the evidence of various witnesses from foreign countries as to the peculiar rules and modes of procedure adopted by their Legislative bodies. It appeared that in the United States Legislature the Motion for Adjournment was not allowed to raise any debate, and there was a form of procedure known as "the Previous Question," which amounted rather to what the French termed *la clôture* than that to which would come under the designation of the Previous Question in this country, its effect being instantly to put an end to the debate; and it is determined by a vote without any debate. It was asserted that the French system to which he had just alluded did not interfere unduly with freedom of discussion, and that all men believed business could not be carried on without the *clôture*, while it was also contended that the one hour remedy—that was to say, the limiting of the time allotted to each speaker to one hour—worked well in the United States, and was universally popular both in the House of Representatives and out of doors. He was, however, afraid that such a remedy applied here would not so work, unless

hedged round by such safeguards as would render its operation perfectly inefficient to promote the object which those who would adopt it must have in view. The Committee having made some further recommendations for facilitating the progress of public business, wound up their Report by stating that they could not recommend the adoption of any new restrictive rule, and that the real remedy for the obstacles which had existed to that progress was to be found in the good feeling of the House itself, the forbearance of Members, their desire to conduct the proceedings with regularity and order, and their willing acquiescence in the decisions of the Speaker as well as in the enforcement by the Speaker of the established rule that everybody addressing the House should strictly confine his remarks to matters pertinent to the subject under discussion. The Committee, however, in relying upon the forbearance of the House, and the enforcement of the rule in question, placed their trust, he feared, in a broken reed; while there was, he thought, much weight in their statement that the satisfactory conduct of public business must in no small degree also depend upon the control which was exercised over it by the Government, and on the due preparation by the Government of the measures which they submitted to Parliament as well the proper distribution of those measures between the two Houses. In the expectation of the Committee that the independent Members of the House of Commons would do all in their power to assist the Government in disposing of the public business, he was not, he might add, inclined to place much faith, while he cordially concurred in the opinion that the great mass of private business lay at the root of the evil of which he complained. Therefore, he would call their Lordships' attention to the proposals he had more than once brought forward as to the mode of dealing with private business. But especially he had brought forward the matter in 1837, with the support of his illustrious Friend the late Duke of Wellington. The origin of the plan then proposed was this: In 1834, when he (Lord Brougham) presided in this House, a Bill was brought up from the Commons for dealing with boroughs accused of corrupt practices. On looking at its provisions he found them such as could never be agreed to, for the entire disfranchisement of any borough might be finally carried by a single vote obtained through surprise or inattention; and when such a vote had once passed

the Commons for disfranchising Birmingham, Manchester, Sheffield, in the state of their Lordships' House, and with the prevailing prejudices on the subject, no doubt the Bill was sure to pass through all its stages very easily. He spoke to the Duke on this oversight, as he considered it, of the other House, feeling quite certain that his noble Friend was greatly above availing himself and the party which he led of what must prove such an advantage; and he found, as he expected, that he had rightly judged his noble Friend. He then spoke to another noble Friend whom the Duke held in high respect (Lord Ellenborough), having with all men the greatest admiration of his talents, and the truest esteem for his manly straightforward nature, so congenial to his own. In that noble Lord he found the same fair and candid disposition, not to take advantage of what had been done in the Commons. It was, therefore, agreed that the Bill must be materially altered; and the Duke mentioned a plan that had occurred to him, on which he would write a few observations, and give them to him (Lord Brougham), asking his assistance to work it out, and to give the needful details. They considered it repeatedly, in every point of view, and the result was the proposal of a Joint Committee of the two Houses to examine the evidence in each case. When he suggested that the Commons might require a majority of the number, the Duke had no objection, and it was settled that there should be seven Commoners and five Peers. The Duke also proposed that the Committee should, if it chose, act with the assistance of a Common Law Judge, in considering questions of law and matters of evidence, to which he (Lord Brougham) did not object, though he warned his noble Friend that this part of their plan would occasion great objections in the Commons. It was proposed that this Joint Committee should examine the whole case, and report to both Houses, that the Report should only be conclusive on the facts, and that the subsequent stages of the Bill in each case should be entirely within the jurisdiction of each House. This plan was fully discussed in the Select Committee to which the House of Commons Bill was referred, and it was adopted first by the Committee, and afterwards by the House, and the Bill, as so amended, was returned to the Commons, where it met with a general approval, all being of opinion that, to whatever objections it might in some parts be

exposed, it was a very great improvement of the measure as sent up to this House; but as it was rather a new Bill than an amended Bill, it was deemed impossible to adopt it upon the single vote of agreeing to the Lords' Amendments, and the measure therefore went no further, the Session being near its close. Next year the Government was in the hands of the noble Duke and his friends, and when he (Lord Brougham) proposed to renew this Bill, the Duke concluded that the Ministry was not in such a state as gave it a reasonable prospect of being able to carry so important a measure. In fact, they remained only a few weeks in office. Two years later he (Lord Brougham) brought forward his orders for the better conducting of private business, and he naturally consulted the noble Duke not only because he had expressed the strongest opinion upon the absolute necessity of some measure to facilitate that business, but because he knew no one so entirely worthy of being consulted upon all subjects. He spoke from long experience of that illustrious man, and from long observation before his experience commenced; and he could assert that his wisdom in civil affairs, his sagacity, his firmness, and all the qualities which combined to make a great statesman were only less than his military superiority. With a mind that at once fixed on the object to be accomplished, his eye surveyed all the surrounding obstacles and difficulties, and described the path by which that object was to be attained; and his firm will proceeded resolutely in the shortest path, by a straight line, to the end in view. To this great man he commended the Resolutions which he proposed for conducting private Bills. He approved of them entirely, but said, "Why not try our plan of 1834?" His answer was they could not hope to carry it. Then, said the Duke, "let us try, and if we are beaten we can retreat upon your Resolutions upon the lesser plan." Accordingly they did try it, and the Duke stoutly supported it in the Select Committee to which the Resolutions were referred. They were unable to carry it, and the lesser plan being adopted, was reported to the House, and forms the Standing Orders now in force. This was communicated to the Commons and for two or three years rejected, but afterwards adopted, and he (Lord Brougham) was bound to admit to his noble Friend (Lord Eversley) adopted with one important addition, which was a great improvement, that of the Select Com-

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mittee of Chairmen in the House of Commons. The Resolutions which he now proposed were founded upon the plan which the illustrious Duke and himself had endeavoured to carry in 1837, and to these Resolutions proposed then and in 1845 he had added two not confined to private Bills but applicable to all measures. To the whole he respectfully invited the attention of their Lordships, as well as to the important evidence and suggestions in the House of Commons' Report. He placed the whole subject before their Lordships, he might almost say testamentarily. He grieved to say that he was about to quit a scene in which he had long aided their Lordships, according to the humble measure of his powers, in their judicial as well as legislative capacity. Hereafter, should his health permit, and his faculties serve to make him worthy of again partaking in their labours, he might hope to revisit the same scene. Meanwhile he might say in the words of Bishop Lowth:—

"Cara, vale, veniet felicius ævum,
"Quando iterum tecum, sim modo dignus ero."

He moved that the Select Committee's Report on Public Business, 14th August, 1848, be printed.

Ordered to be *printed*.

RETIREMENT OF BISHOPS.—CASE OF DR. HINDS.—QUESTION.

VISCOUNT DUNGANNON rose to call Attention to the Case of Dr. Hinds, late Bishop of Norwich; and ask the Lord President of the Council, Whether it is intended in the next Session of Parliament to introduce a Bill for making Provision for Bishops who in consequence of advanced Age or Ill-health may be desirous of resigning their Sees? He believed the case of Dr. Hinds to be one of peculiar hardship. It would be remembered that on the retirement of Bishops Blomfield and Maltby from the sees of London and Durham, a special Act was passed, settling on them retiring allowances for the remainder of their lives; but Bishop Hinds who resigned his bishopric of Norwich subsequently, did so quite unconditionally, and with no promise of receiving any such consideration. He (Viscount Dungannon) had no personal acquaintance with Dr. Hinds, and had only taken his case up as a matter of justice. He believed that Dr. Hinds, in the earlier part of his life, was principal of the Codrington College at Barbadoes, he

then became examining chaplain to the present Archbishop of Dublin, by whom he was preferred to a living near Dublin, was afterwards raised to the Deanery of Carlisle, whence he was removed to the See of Norwich. In consequence of ill-health, which made him quite unable to discharge the duties of his See, he unconditionally resigned it. He could not believe that either Her Majesty's Government or the Ecclesiastical Commission would suffer such a case of injustice as that of Dr. Hinds' to be overlooked. Had Dr. Hinds retired at the same time as Bishops Maltby and Blomfield no doubt some compensation would have been afforded to him to pass the remainder of his days in ease and comfort. The retiring pensions of those two Bishops, amounting together to £11,000 a year, reverted on their death to the Ecclesiastical Commission, and it was not too much to expect that out of that sum a small allowance would be made to Dr. Hinds. Dr. Hinds had now reached the age of threescore and ten, and he had reason to believe that a very small pension would be sufficient to meet all his requirements during the remainder of his life. It had often been complained that Bishops held their Sees to an advanced period of life, when they were no longer equal to the duties they had to discharge; and he could not but consider that it would be very desirable to introduce a measure to make provision for Bishops who wished to retire from old age or failing health. Bishops could not be expected to resign their Sees without such a provision, and bring themselves from a position—he would not say of affluence—but of competency to one of comparative indigence. The private patrimony of Bishops was in general small, for they were in most instances selected for their high office in consequence of their individual merits and their services in the cause of religion. He could state too that, as far his knowledge went, they were as a body remarkable for their liberality and their readiness to contribute to the promotion of every charitable undertaking; and it was, therefore, the more becoming and the more necessary that some provision should be made for them in the event of their finding themselves compelled by old age or ill-health to resign their high offices. Dr. Hinds, who was a conscientious and high-minded man, had unconditionally resigned his distinguished position when he found he was no longer equal to its duties; but it was quite possible for him to have made some bargain before doing

so; and because he had not, it was unjust to disregard his claim.

EARL GRANVILLE concurred entirely in all that had fallen from the noble Lord with reference to the high character of Dr. Hinds. He believed he was held in the highest estimation by all who were acquainted with him. No doubt his case was a very hard one; but both with regard to him and with regard to the general question of providing retiring allowances for Bishops, there were the greatest difficulties in the way of arriving at a satisfactory settlement. The late Earl of Harrowby had endeavoured to effect some satisfactory arrangement of the question; but notwithstanding the good-will with which he embarked in the undertaking, he unfortunately failed. The present Government had taken great pains to come to some conclusion, but unfortunately they had not been able to arrive at a satisfactory one. The great difficulty was to say out of what fund a retiring pension of this sort should come. In the case of Dr. Hinds it was impossible that the pension could be taken from the revenues of the See. With regard to Bishop Blomfield and Bishop Maltby, there was a large property belonging to their Sees which was available for the purpose, and which reverted to the Ecclesiastical Commissioners at their deaths; but in the case of Dr. Hinds there was no such property belonging to the See of Norwich from which a similar provision could be made. Her Majesty's Government had not been able to frame any general scheme by which the object the noble Lord had in view could be obtained.

LORD STANLEY OF ALDERLEY thought that every one must sympathize with Dr. Hinds, who had acted so disinterestedly. No doubt there were difficulties in the way of applying a remedy to the case of Dr. Hinds, but he did not see why the Ecclesiastical Commissioners should not come forward to meet the case. It was the more incumbent on them to do so, as he understood that they had recently added £1,000 a year to the stipend of the Dean of York, out of their Common Fund, and he should like to hear what objection there was to drawing on the same fund for pensioning Dr. Hinds. Deans had fewer duties to perform than any of the functionaries of the Church, and if the Commissioners could afford to increase their stipends at this rate, they might justly apply an equal sum to providing a pension for any Bishop who might wish to take the same course

as Dr. Hinds. He should be glad to hear from any member of the Ecclesiastical Commission who might be present, whether there was any truth in the statement that this increase to the stipend of the Dean of York was objected to by all the lay members of the Commission, and that it was carried entirely by the ecclesiastical members. He should also be glad to know on what ground the Commissioners justified themselves in making this increase, which was the most inexcusable he had ever heard of. When they considered that £1,000 would have increased 50 livings from £50 to £100 a year, and that every one agreed £100 a year was the *minimum* which a clergyman of the Church of England ought to receive, it did seem that this £1,000 a year increase to the Deanery of York was an appropriation of money which would have been more properly applied to the increase of small livings.

THE BISHOP OF LONDON regretted that the noble Earl, who was a prominent member of the Ecclesiastical Commission (the Earl of Chichester), was not present to give an answer to the question as to the Deanery of York. It was an inaccurate statement to say that the ecclesiastical members of the Commission voted on one side and the lay members on the other side, upon this question of the income of the Dean of York. According to his recollection, there had not been any division in the Ecclesiastical Commission on the subject. The case of the Deanery of York was peculiar. It was not true that the income had been raised from £1,000 to £2,000 a year. The question referred to the Commission was this,—what was the proper salary which ought to be given to the Dean of York under the Act of Parliament? and the Commissioners had come to the conclusion that it should be £2,000 a year. The Deanery was worth nearly £3,000 a year at the time it became vacant, on the appointment of the gentleman who now so worthily held it. It was impossible to conceive anything more inaccurate or untrue than the impression that all deaneries were reduced to £1,000 a year. It was required that all above £2,000 a year should be reduced to £2,000 a year, and all below £1,000 a year should be raised to £1,000 a year, but there was no law which stated that no deanery should be above a £1,000 a year. The question referred to the Commissioners was simply what was the proper income to give to the Dean of York, and they were acting as to the law of the case

Lord Stanley of Alderley

in accordance with the opinion of two sets of law officers of the Crown—the law officers of the late and of the present Government—when without a division, as he believed, the lay and ecclesiastical members recommended to Her Majesty in Council to give the Dean of York the income to which he was entitled under the Act of Parliament. He had great pleasure in being able to say that the statement which the noble Lord had heard was erroneous.

THE EARL OF DERBY said, he had heard with some surprise the statement of the right rev. Prelate. Although he had not expected the question to be raised, he had a perfect recollection of what took place when he was in office with regard to the Deanery of York. When the right rev. Prelate spoke of the question submitted to the Commissioners, he did not know by whom it was submitted; but this he knew, that a relative of the Dean assured him that the Dean had made no application or request for an augmentation of salary, and was not aware of the intention until he was informed that the Ecclesiastical Commissioners had come to the conclusion to raise his stipend. He was free to admit that, looking at the circumstances of the Deanery of York and some other deaneries, and considering the amount of buildings to be kept up and the general expenses those dignitaries were expected to incur, a person without a private fortune would find it difficult to hold the office and do justice to it with £1,000 a year. But, as to there having been no difference of opinion between the Ecclesiastical Commissioners, the contrary was represented to him when he was in office. He did not say that the difference of opinion was between lay and ecclesiastical members, but there was a considerable difference of opinion, and his right hon. Friend who informed him of the facts of the case also told him that he feared the Commissioners would come to the Resolution to raise the stipend to £2,000 a year, in opposition to the intentions of Parliament. He (the Earl of Derby) requested his right hon. Friend to state to the Commissioners that he hoped no such question would be raised, and that, if such a decision were come to, he should exercise his authority as First Lord of the Treasury to refuse the sanction of the Treasury to the arrangement until it had received the authority of Parliament. He had heard with surprise the statement that there had been no difference of opinion among the Commissioners. He said no-

thing as to the merits, but he thought that, after the general impression which prevailed, it was a most unfortunate circumstance that the Ecclesiastical Commissioners, without the sanction of Parliament, should have taken on themselves to increase the income of the Dean of York from £1,000 to £2,000 a year.

LORD STANLEY OF ALDERLEY asked whether any record was kept of the votes of the Commissioners? He understood that there had been in the Ecclesiastical Commission some proceedings of such a nature that one of the members, for some reason or another, moved that henceforth divisions should be recorded so that they might be presented, if called for, to Parliament. It was clear, from the language of one of the Commissioners "in another place," that he must have opposed the proposal.

THE BISHOP OF LONDON said, his statement was this—that, whatever difference of opinion there might have been individually among the Ecclesiastical Commissioners, who were a large body, many of whom did not often give the Commission the benefit of their presence, yet, with regard to the Dean of York, the decision of the Commissioners was adopted without any indication that their opinions were divided.

LORD OVERSTONE wished to repeat the question which had been put to the right rev. Prelate by the noble Lord near him (Lord Stanley of Alderley). Was there any record kept of the divisions of the Commissioners? He would ask, further, whether it was not true that it was in consequence of the difference of opinion which had prevailed upon this very subject that one of the Commissioners had proposed that their votes should in future be recorded?

THE BISHOP OF LONDON said, such a Motion had been made, and had been unanimously adopted; but he could not say what were the motives that had induced its author to propose it. It certainly, however, had nothing to do with any division in reference to the stipend of the Dean of York, because no such division had taken place.

LORD OVERSTONE asked, whether there was any record of any proceeding upon this subject.

THE BISHOP OF LONDON said, that there was, and that the papers were ready to be laid before Parliament.

THE LORD CHANCELLOR, as an ex-

officio Commissioner, regretted that he was unable to give their Lordships any information on the matter, and disclaimed all responsibility in connection with it.

THE EARL OF DERBY wished to know whether the noble Earl the President of the Council had received any communication on the subject from the Ecclesiastical Commission, and whether his sanction was given to the Order in Council by which the increase of salary was authorized?

EARL GRANVILLE said, he had received the Order in Council unaccompanied by any other document.

NAVAL DISCIPLINE BILL. COMMITTEE.

House in Committee (according to Order).

LORD COLCHESTER expressed his approval of the alterations which had been made in the Bill by the Select Committee. He thought the measure would be highly beneficial to the service. He was glad to see that the constitution of courts martial had been improved, that the scale of punishments had been more accurately defined, and that the provisions of the measure generally had been brought more in accordance with the spirit of the times.

Amendments made. The Report thereof to be received on *Monday* next.

THE CURRAGH OF KILDARE. QUESTION.

THE MARQUESS OF CLANRICARDE asked, Whether any Lease has been executed or is in contemplation whereby the Curragh of Kildare will be transferred from the Department of Woods and Forests to that of War; and whether it is intended to erect thereupon permanent Stone or Brick Barracks?

EARL DE GREY AND RIPON said, that some time ago there were some communications between the War Department and that of the Woods and Forests in regard to the transference of the Crown property at the Curragh from the latter to the former. Those communications, however, did not come to a satisfactory conclusion, and it was not now in contemplation either to make any such transfer, or to erect barracks of stone or brick on the Curragh. He could not say that it was intended to discontinue the occupation of the Curragh as a camp, because valuable instruction was there imparted to the troops.

DISTURBANCES IN SYRIA — QUESTION.

LORD STRATFORD DE REDCLIFFE:

—My Lords; I rise for the purpose of drawing your Lordships' attention to the question of the disturbances in Syria, which has occupied so large a portion of the public attention for some time. It will be in the recollection of the House that a few weeks ago, when I asked a question of the Government respecting their information on this subject, a noble and learned Friend of mine (Lord Brougham), in saying a few words in support of my request, expressed a hope that at some future time I would enter at large on the question. I should have acted on the suggestion of my noble and learned Friend at an earlier period, but I was in hopes that some one more able to deal with a question of such importance would take it up, and bring it under the attention of the House. There were likewise other reasons which rendered it difficult for me to fix a day on which I could bring the question before the House. Your Lordships will remember that a few days ago I expressed the deep regret I experienced at not being able to bring it forward at an hour which, however early it might appear to some, was too late to admit of the proper consideration of an important subject of this sort. The question is indeed one the importance of which cannot be exaggerated, and I cannot express with what diffidence I now enter upon it; I trust, however, that your Lordships, with your characteristic generosity, will accord to me the indulgence of which I have witnessed so many notable examples since I have had the honour of a seat in your House. I trust that your Lordships will believe that I bring forward this question under a sense of the importance of its being considered by both Houses before Parliament breaks up—of the desirableness of its receiving your Lordships' attention as well as that of the other House, where it seems likely that it will undergo discussion; it is also to be wished that the public should have an opportunity of becoming better acquainted with the nature of a subject which is attended with so many painful circumstances and involves so many serious considerations. It shall be my endeavour, if your Lordships' indulgence is granted me, to address myself to the question with as much brevity as my inexperience of Parliamentary discussions may enable me to employ.

My Lords, I do not think it necessary to

enter into any details of the atrocious incidents which have taken place in Syria. They are but too vividly impressed upon every page of the papers which have been laid on our table; they have been so commented upon in every form by the public press, and they are of themselves of so distressing a nature, that I should with difficulty persuade myself to dwell upon them now. From a similar feeling I am unwilling to enter into any inquiry as to the origin of these disturbances, and the sanguinary tumults and massacres by which they have been accompanied. I know there are many painful reports in circulation, that there are some reasons for perhaps, attaching a political importance of no ordinary kind to these occurrences; but I confess that I conceive them to be more fit for a judicial inquiry and the sober deliberation of the Government than to be brought at the present moment under the consideration of this House. It is impossible, however, entirely to overlook some of the circumstances that have taken place, and there are some leading points which the House ought to take into consideration as bearing upon the question. Nor can I refrain from remarking upon the necessity which it appears to me, and I believe to every one who has reflected upon it, exists for taking prompt and efficient measures to put an end to a state of things in Syria which is attended with so much loss of life, and which gives so great a shock to all the best feelings of humanity. Measures of that kind should be adopted with the least possible delay. I am, my Lords, by no means disinclined to give every credit to Her Majesty's Government for having taken up this subject and done what depends upon them to produce that desirable result. The circumstance of a Commissioner having—as I understand from the public newspapers—been appointed to proceed to Syria, is a proof that they have exercised an active discretion on this question; and I can only trust that that appointment may prove of advantage. But, my Lords, it is not merely the despatch of a Commissioner, it is not merely communications with other Powers that will have the effect of putting a stop to the atrocities which have been enacted in Syria. I believe, as far as the present state of the case is concerned, that there is much reason to hope that, as a probable consequence of the exhaustion of the two contending parties, some kind of arrangement has been made so as to arrest

the immediate effusion of blood. But it is impossible to lose sight of what has already taken place—of the enormous sacrifice of human life and the dreadful incidents connected with it. And after all, even it be true that there is a cessation of actual hostilities, I fear it is more attributable to the triumph of one party over the other than to any other cause.

My Lords, I really feel myself embarrassed in attempting first to state the most prominent circumstances which give importance to the affairs of that part of the world. It may become necessary—and I understand that some arrangements for that object are in progress—to exercise interference on the part of the European Powers, or some of those Powers; and it appears that the landing of a considerable force in Syria may be expected, if it has not already occurred. If there be a necessity of that kind—if the Turkish Government is of itself too weak to suppress these disturbances and to give that security to Europe which Europe has a right to look for against their renewal, I, for one, should not object to see, under proper safeguards, and when the necessity for it is well and clearly established, measures of an active nature adopted on the part of Europe, or even on the part of any particular Power, under the sanction of treaty. But there is no doubt that considerable danger would arise on that point. We never can forget of what importance Syria is. That, above all, it is the key to Egypt, and is a country in regard to which, if any mistake were to take place, if any extension of the interference beyond what was strictly required were to occur, it might be difficult for the maritime powers of Europe to interfere without involving themselves in hostilities and all the consequences of a long and hazardous war. There are other points of the greatest interest and importance appertaining to this subject. There is no question but that the Turkish Government have always lamented that that part of their empire which is well known to us under the name of the Lebanon has never yet been brought fully under subjection. There have been many indications at a period anterior to these recent occurrences, of a constant desire on the part of the Turkish Government to obtain a more complete authority over this portion of their territory. It is well known that from the earliest times the principal tribes of the Lebanon have enjoyed an independent administration; that the Ottoman

armies, in their attempts to reduce them, were always foiled; that it was not until the Egyptians entered the country that these races tasted the effects of dependence upon a distant authority; and that on that occasion they were rescued from this dependence mainly by the assistance of British arms, employed at sea in concurrence with the Turkish forces on land. And, if I am rightly informed—and, indeed, I believe there is no doubt upon the subject—promises were given to these tribes that their independence should be secured, and that a Turkish military force should not be established within the confines of their territories. These circumstances have of course rendered it difficult to deal with the affairs of the Lebanon. On the one hand you have to provide for the fulfilment of the promises so made, and also to display a just distrust with regard to the entrance of foreign troops into the country; but at the same time there is a paramount consideration, and one which it is difficult to set aside, namely, that such atrocities as have lately been perpetrated there should not be liable to repetition. I wish, my Lords, that it were in my power, from the experience I have had of that country, to say that we can entirely rely upon the Turkish Government and authorities for giving us that security. It is impossible to read the Correspondence now on your Lordships' table without perceiving that there are strong reasons to suspect at least the officers called upon to execute the commands of the Porte of an unpardonable remissness, and sometimes of even more than that—and in some cases even of an appearance of connivance at these atrocities. And on more than one occasion—if we are to believe the reports of the Consuls, which there is no reason to doubt—even when those officers had the force necessary to check the contending parties, they exhibited the most marked partiality towards one of them, persuading those who were exposed to danger to give up their arms, and, when those arms had been given up, opening the gates of their town and delivering up those unfortunate persons to indiscriminate massacre. I do hope, my Lords, that among the measures which will be taken there will be one of a judicial character, one that will carry with it that spirit of punishment which, more than anything else, is calculated to repress the tendency to forget what is due to humanity, and due to the engagements of the Porte with foreign Powers. I see that

one officer in particular is mentioned—Osman Bey—who seems to have not merely connived at what took place, but to have himself led the way to the massacre, not only of persons who had a short time before been in arms, but also of their wives and children. For Europe to stand still and witness such atrocities without endeavouring to put them down, without seeking to obtain some guarantee against their recurrence, without calling upon the Turkish Government to control its officers, and give to Europe that security which we have a right to expect is, my Lords, a state of things which cannot be contemplated. It is impossible to imagine for one moment that such a state of things can be permitted to continue, or that this country will be slow to take its part in suppressing proceedings so contrary to every sentiment of justice, good faith, and common humanity.

My Lords, among the other difficulties incident to this question, not the least, perhaps, is that of ascertaining the exact cause of these calamities. It may be said that one of those causes—if we are to give credit in any degree to the Sultan for not willingly conniving at the perpetration of crimes of this kind—is the weakness of his power. But I take the liberty, my Lords, of asking whence does that weakness arise? Is it a mere excuse or a state of things that might have been prevented? It appears that the number of troops in the disturbed parts of Syria was very small; and we likewise find that the Turkish Government were not prepared with the means of sending a large force to that country at the time when they first heard of these disturbances. It would, moreover, seem that their attention had been called to a distant portion of their empire on the other side of the water—to that part of their territory in the more immediate vicinity of which there exist Russian interests. Every one knows that the Turkish Government is always exposed to dangers of that kind, if not on one side on another—that the state of the country is such, in consequence of the inefficient administration of the Porte, as to be exposed at every moment to insurrection; and that, though the Porte has generally the good fortune and sufficient authority to put it down, yet every exercise of its authority is accompanied by an increased degree of weakness and danger of bringing about that catastrophe which it has been the object of statesmen for so many years to avoid. But true it is, from

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my own knowledge, that this weakness is by no means necessary. It arises from particular circumstances; and among others from the state of the finances of Turkey being so reduced that the Court finds difficulty in keeping up the army to its usual strength; and the troops, I understand, are so much in arrear with their pay that their spirit may have been affected by the hard position in which they have thus been placed. But my own belief is that this state of things at the Porte is by no means a necessary one. The Porte has for many years been warned of the consequences of allowing the old system of financial administration to go on to its natural result; it has been so warned by many friendly Powers, and more particularly by Her Majesty's Government; but I am sorry to say, from my own experience, that no attention—no fixed or followed-up attention—has been paid to that advice; and the consequence is that the Turkish Governments have gone on step by step into a state of still greater difficulty; and thus it is their own fault that they have been unable to keep up the force that may be necessary to prevent the occurrence of such atrocities as humanity itself must deplore. When such is the case how can we look back with any degree of satisfaction to the exertions we made in favour of the Porte some few years ago, when menaced by Russia. Great sacrifices were made by this country in its behalf, and made also, I am bound to add, by our powerful neighbour—and with a degree of success which ought to have left a permanent feeling of gratitude on the Turkish Government. It is true the Sultan has accepted, and has even proclaimed to his people, a system of reform which, if it had been properly carried out, might have prevented these disasters, and probably would have done so, and placed the Empire on a totally different footing from what it is now on. Indeed, I may say with confidence that, had this been so, the empire would have been in a much better condition than at the present moment, and have placed at a proportionate distance those dangers, massacres, and insurrections, of which the events which have occurred in Syria exhibit so prominent and striking an example.

My Lords, it must occur to your Lordships as well as to myself that a heavy responsibility rests upon Parliament in consequence of this state of things. If we look into the question of Syria it is impossible not to observe in immediate connec-

tion with it that the great Eastern Question—the great Question of the Russian and the Ottoman Empires—is involved, and I do not hesitate to say that that question is at this moment absolutely brought home to our doors by what has occurred in Syria. You will in vain put down what has taken place there; in vain you will staunch the blood which has flowed; in vain you will take measures to prevent the renewal of those atrocities, unless you find the means of engaging the Turkish Government to redeem their pledges, and give effectual execution to those reforms which have been so often urged upon them. Unless that is done, it is my firm conviction that you will only patch up the difficulty for the moment, and you will leave the seeds of fresh disturbances and fresh difficulties of a still more disastrous and dangerous character. If the question were now for the first time to be considered what should be done in order to give a greater degree of strength and stability to the Turkish Government, so as to enable it to cope with the difficulties presented by parts of the Empire circumstanced like Syria, we might consider the subject on a much narrower ground, and accept the assurances of the Turkish Government that measures will be taken, with or without the concurrence of Europe, in order to prevent the recurrence of such atrocities. But there are many circumstances that must occur to your minds to show that this is only part and parcel of the weakness of the Turkish Empire, and, unless more be done—unless the Turkish Government be made to redeem the pledges it has given—we shall be every moment liable to be involved in a new European complexity which it has been so much the object of European policy to avoid, or at least to place at a distance.

I should be sorry to take up your Lordships' time at any unnecessary length, but, after having made these general observations with regard to the Turkish Empire at large, I cannot leave the subject without offering some further explanations of the reasons which I have for the Motion of which I gave notice. I must confess the impression which is on my mind is, that the papers presented by Her Majesty's Government to Parliament on this subject are not of a very comprehensive nature. I have read them with the impression that more might have been produced for the satisfaction of Parliament and the very natural interest which the public at large have taken in this subject. There are

some points on which I would offer a few words of comment. In the first place, the Correspondence laid on the table is nothing more than a statement from the different Consuls since these disasters arose. It appears from a memorial presented by the merchants to the Consuls on the 20th of May, that apprehensions had been entertained for a long time previously, and that there were antecedents to the disturbances that have taken place that called for a close attention to them. This warning one might have supposed would have arrested attention. I see no trace however of such attention having been paid to the subject. I observe that the Consul General at Beyrout describes himself as having been called upon to make a representation to Kurschid Pasha on the subject, in conjunction with the Consuls of France, Austria, and Prussia—that he accepted the request and arranged the meeting, notwithstanding that the Pasha had already proceeded to the mountain with an armed force. I observe, also, that Consul General Moore intimates that in assenting to the proposition of the other Consuls he rather sought to limit the declaration they were inclined to make to the local Turkish Government. I therefore feel a very natural curiosity to know under what instructions the Consul General was then acting. Were they of a general character, which restrained the action of the Consuls? Was he in that respect carrying out the views of his Government and of the Embassy at Constantinople? I think it right that Parliament should have some information on that subject. Among the circumstances that are mentioned is one of a transaction, the first that had taken place, no less than a year before on a part of the mountain not far from Beyrout—an affray of very considerable consequence, one of the first effects of the long-established animosity between the hostile parties, broke out, and there was a considerable loss of life. Surely there was time, as it would certainly be the duty of the Consul General, to report such a fact both at home and at Constantinople. It was only natural that those having interest in the maintenance of tranquillity should have sought some instructions or directions on the subject. It is to be presumed that they did so. I want to know whether that was so, and in what terms these instructions were conveyed. This is a matter that Parliament ought to know. There are other points in these papers well worthy of attention, but on

which I should be unwilling to press, from respect to your Lordships' time, not wishing to enter more deeply into the subject than necessity requires. The Foreign Office is totally silent on the subject. We have no information in the papers communicated that any notice has been taken of these transactions. It is possible there may be diplomatic delicacies which prevent such a communication being made; but I must say I think it desirable that Parliament should be informed of the motives which caused that silence—whether it is a real silence towards the objects of official correspondence, or whether it is silence of another character. I think upon these points we are entitled to information.

My Lords, these subjects to my mind assume even a still greater importance than as they affect the Turkish Empire. I think it impossible to have followed the course of events for some years past without perceiving that there has been a strong tendency towards the exhaustion of those palliatives that have been employed on all sides to avoid an open rupture on matters of principle which might bring on a serious conflict between one Government and another. We have not entirely escaped these conflicts; but hitherto a great war of principle, so much apprehended for many causes, has upon the whole been kept at a distance. I must say, however, that the present seems bordering on a different state of things, which it will require all the judgment and all the vigour of those who are officially responsible properly to deal with. In proof of what I say, let your Lordships look at various parts of Europe and judge whether the indications of what I have asserted are not sufficiently strong? If we look to France we see there principles advanced, on which the Government of that country is based, which from their very nature are totally opposed to that which has hitherto been regarded as constituting the foundation of European institutions. If we look to Austria we find that she also is exposed to the action of principles which tend to shake her empire to its very foundations. If we cast our regard still further we may, I think, find evidence of the same thing in our own Indian possessions, as well as in that country against which the combined forces of England and France have been lately directed. I am not, indeed, sure that we have not some indications of a similar nature at home. I therefore come back to my first assertion, that the period for pal-

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liatives is passing away, and that, in spite of all that we may have done, we are being brought rapidly in presence of that tremendous war which to many has seemed to be for so long a time impending. Now, for my part, I see, I must confess, in such a state of affairs, additional reasons for paying due attention to those measures which may be required for the purpose of keeping together the remains of the Turkish Empire, and, above all—to narrow the point—of putting a stop to these disputes in Syria in a manner that may furnish us with a guarantee against their recurrence in future. It is not, of course, for me to take upon myself to dictate to Her Majesty's Government the course of policy which, in order to secure these objects, they ought to pursue. My own personal inclination leads me to trust that they will adopt adequate and judicious measures with that end; but I nevertheless deem it to be of the utmost consequence that under all the circumstances of the case the attention of Parliament should be directed to this important subject. It is in my opinion extremely desirable that we should not confine our whole attention to the consideration of home affairs, or to the adoption of merely temporary expedients, but that we should be awake to the position of public affairs in their most comprehensive aspect, and that we should prepare—as I am happy to perceive we are already to some extent doing—for that which may prove a great European crisis. Entertaining these views, it was, I must confess, with great satisfaction that I became aware of the result of the debate which took place last night in the other House of Parliament on the subject of our fortifications, and of the fact that, notwithstanding the honest common sense of the nation may for a time have been misled by circumstances, and notwithstanding the eloquent delusions presented to its view to increase the effect of those circumstances, the measure under discussion was passed through one of its principle stages by so large a majority. But the same circumstances which explain, justify and render necessary the decision at which the other branch of the Legislature arrived on this important question—a decision which, I trust, will receive the support of your Lordships' House—likewise recommended that a policy in close connection with it should not be lost sight of, and that, if it should appear in the midst of many apprehensions and many objections that we do recognize the exist-

ence of a state of things with which our interests are intimately bound up, and which is of a character at once most serious and comprehensive, we should prepare ourselves for the adoption of a course by means of which we might be able to use our influence in a way which would be as little as possible dangerous to Europe, while, at the same time, it would lead to adequate and satisfactory results.

In making these observations I bear in mind, my Lords, what took place in the case of the Treaty of Paris, when arrangements were made to bring under the cognizance of the great Powers questions by which at the time the public mind of Europe was agitated, and I should, I confess, be glad to see something of the same kind carried out at the present day on a more extensive scale, and with the view more especially, if possible, to procuring a considerable diminution of the forces of the great Powers of Europe, so that we may be enabled to follow in the same path, and thus render unnecessary those heavy expenses which the policy of the great continental nations and the general state of the world—partly in connection with the principles to which I have adverted—oblige us to incur.

My Lords, I have already said I could in no better way show my sense of your Lordships' indulgence than by confining my remarks on this occasion within as narrow a compass as my sense of public duty would permit. I have referred in the course of these observations to points of detail as well as to matters of a more extensive nature. My object in doing so was not to endeavour to impose my own impressions on the House, or to ask you to ascribe to them an importance which I do not attach to them myself. But I have felt that it was desirable this subject should, before the close of the Session, be brought under your notice, and that, whether you should be pleased to take the narrower or the more comprehensive view of it, your Lordships' authority, and that of the other House of Parliament, should accompany the action of the Government—supposing their measures to be judicious, as I trust they may, and that by that means we might be enabled to produce a salutary effect on other countries, showing our readiness to concur with them, and to co-operate whenever we can do so with consistency and honour; while we give them to understand that we are at the same time prepared to maintain in every way in our

power our own principles and our own great position in the midst of these conflicting elements of which I have been speaking. I can, my Lords, conceive no greater calamity which could happen to the world than that England, which has hitherto held the foremost place in the career of civilization and humanity, should find her efforts in that direction neutralized or diminished by the want of the power necessary to give effect to her councils and her policy, or by a degree of weakness which must prove not only injurious to the world at large, but dishonourable to ourselves; out of which we are, I trust, now gradually emerging, and our emancipation from which I should be sorry to give expression to a single syllable to check. The noble Lord concluded by moving—

“That an humble Address be presented to Her Majesty for, Copies or Extracts of any Despatches addressed by Her Majesty's Ambassador at the Porte to Her Majesty's Secretary of State for Foreign Affairs, or to Her Majesty's Consul General at Beyrout, or to the British Consuls at Damascus, Aleppo, and Jerusalem, respecting the Apprehension of Disturbances in Syria, during the Three Months which preceded the 9th of June this Year, being the Date of Sir Henry Bulwer's telegraphic Message to Lord John Russell, No. 2. in the Papers lately presented to Parliament by Her Majesty's Command; together with those of any Reports addressed during the same Period by the above-mentioned Consuls to their respective superior Authorities on the same subject; and also Copies or Extracts of any Instructions relative to the same Matters addressed by the Foreign Department to His Excellency Sir Henry Bulwer, or to Mr. Consul-General Moore, or to the other above-named Consuls between the 6th of June last and the present Time.”

LORD WODEHOUSE: My Lords, there certainly is no reason why the noble Lord should apologize to the House for addressing it upon this subject, for whether we regard the experience which he has had of those affairs to which his Motion more immediately relates—an experience probably greater than that which any other Member of your Lordships' House possesses—or the extreme importance of the subject itself, we must feel glad that my noble Friend has thought proper to bring it under our notice. My noble Friend has moved for certain papers; but, before I go into the various topics to which he has alluded in doing so, I must state the reasons why Her Majesty's Government find it impossible to assent to the production of those documents. The papers which have already been laid upon the table with respect to the disturbances in Syria, consist of mere despatches setting forth the actual

events which have recently there taken place, the object of the Government in producing them having been to afford Parliament and the public the most accurate narration of the facts of the case of which they happened to be in possession. Papers have also been moved for in the other House, embracing the Correspondence with our Consul in Syria during the years 1857-8-9; that Correspondence is in the course of preparation; it will be laid before both Houses, and will, I believe, show very fully what has been the progress of events in Syria for the last few years. The Correspondence, however, for which my noble Friend now moves is one of a very recent date, which relates to matters of the utmost consequence and delicacy, at the present moment being treated of between the various powers of Europe and the Porte, and the effect of producing which would be so to embarrass the Government as to render, it in some degree impossible that they could conduct negotiations with that advantage which would otherwise be the case. I am therefore confident that my noble Friend with his experience will at once perceive that the Government, in declining to accede to his Motion, are actuated only by a desire to pay due regard to the requirements of the public service, which I have the authority of my noble Friend at the head of the Foreign Department for saying would be injuriously affected by the publication of these despatches at the present moment. Despatches on the subject there are, however, not few in number, whether written to or by Sir Henry Bulwer, with whom it was but natural that the Government should correspond in relation to events by which the present were preceded, and which attracted our attention to Syria. With respect to Sir Henry Bulwer himself I will simply say that he has shown in connection with these transactions—as he has done on all former occasions—the utmost energy and activity, and has not failed to impress upon the Porte the expediency of providing a remedy for the existing state of things. My noble Friend who made the present Motion alluded in the course of his observations to the peculiar position of the population of the Lebanon; and he, who has taken so leading a part in the affairs of that part of the world for the last ten years, may detect some inaccuracy of detail in the remarks which I am about to offer on the subject to the House; but I cannot help saying that the peculiar posi-

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tion of the population in Lebanon appears to me to be, to a great extent, independent of Turkish authority. And after the events of 1840 which led to the retirement or expulsion of the Egyptian troops it became necessary for the European nations to consider with the Porte the most desirable mode of effecting a settlement of the inhabitants of that country. My noble Friend from the part which he took in them must well remember these negotiations, which resulted in 1845 in an agreement between the Druses and the Maronites, under which the two populations were to be governed by separate Kaimakans, who were in no way Turkish officers, except in so far as they represented the Turkish Government with those populations.

LORD STRATFORD DE REDCLIFFE: The agreement was not between the Druses and the Maronites, but between the representatives of the European Governments and the Porte.

LORD WODEHOUSE: My noble Friend is quite right. The arrangement was accepted by the Druses and Maronites, but it was conducted under the mediation of the European Powers with the Porte. That agreement, more or less strictly acted upon, has endured to the present time. It is not easy to say what has led to the present disturbances; but the more one reads of the atrocities to which my noble Friend alluded the more one's mind is struck with horror. We have this very day received recent despatches giving an account of what took place at Damascus. At the time the Consul wrote the massacres were going on, and nothing can be more calamitous than the description of the state of the town. A fact having a very serious bearing on these transactions has come under the notice of the Government in these despatches, as well as from other evidence, and it appears more especially from the events which have taken place at Damascus, namely, that the bad feeling is unfortunately not confined to the quarrel between the Druses and the Maronites. The origin of the outbreak at Damascus is distinctly stated by Mr. Brant to have been the insults offered to the Christian population by the Mahomedans in the streets. The authors of these insults were punished by being ordered to sweep the streets in chains—a measure which was certainly imprudent, though well meant on the part of the authorities. When this took place the Mahomedan population became furious, and the occurrence resulted in the dread-

ful scene of which we have received information by telegraph and otherwise. Thus it is perfectly clear that, although these events commenced in a strife such as has before been carried on between the Druses and the Maronites, they have unfortunately been accompanied by a display of feeling between the Christian and Mahomedan population which cannot be too much regretted, and which is unquestionably fraught with danger to the Turkish Empire greater and more serious than any arising solely from feuds between the Druses and Maronites. My noble Friend has said we ought, for a time, to turn our eyes from these atrocities, and look at the superior political considerations which this question involves. But my noble Friend, when he came to speak of that part of the subject, admitted that it was impossible for the Christian Powers to stand by and see these atrocities committed without making any attempt to redress such a state of things. I entirely agree with him that these superior and very serious considerations are very necessary to be looked to, because, whilst on the one hand no one who sees these events passing, or who is called on to take any active part in reference to them, can fail to be influenced, almost in spite of himself, by a feeling of sympathy with the population which has suffered such dreadful horrors, and which we must desire to rescue from the repetition of them on the other hand, as my noble Friend has justly said the position of the Turkish empire requires the utmost caution and the utmost delicacy in dealing with all questions that relate to it. That has been felt by the different Powers of Europe on the present occasion, and they have acted, not separately, but in conjunction, in the determination at which they have arrived with respect to the measures to be taken to pacify Syria. The result of the consultations which have taken place at Paris has been, as I am informed, that a protocol has been actually signed, defining the conditions under which the intervention of an European force ought to take place. We have not received the protocol in its final state; and therefore it is possible that I may not be exactly correct in the account which I am about to give your Lordships of its contents; but in all its leading features I am certain that it will be found to be accurate. This instrument has taken the form of a protocol, and not of a convention, because had a convention been resorted to it would have been necessary for full powers

to be sent to the different Ambassadors, which would have caused a considerable delay. There were precedents for the signature of a protocol—one very recent one in 1840, and also at the time of the Conference on the Belgian Question—which were sufficient to authorize the adoption of such a form of instrument on this occasion. The protocol is signed by the Ambassadors of the five Great Powers and by the representative of the Porte, and it states that the Great Powers of Europe having offered the Sultan their assistance to put an end to these disturbances in Syria, and the Sultan having accepted their assistance, an agreement was made to this effect—namely, that a force of European troops shall be sent to Syria not exceeding in number ultimately 12,000; that of this force the Emperor of the French agrees to furnish immediately 6,000 men, who are to proceed to the scene of the disturbances without delay; that the other 6,000 men, in case they are required, shall be furnished by such one of the Powers as on further consultation shall appear to be expedient. It also provides that the continuance of the European troops in Syria shall be limited to a period of six months. There are other provisions as to matters of detail; and an additional protocol has been signed in which the Great Powers, after expressing their anxious desire that the assurances given by the Sultan in 1856 as to the improvement of the condition of all his subjects shall be carried out, declare, as they did in 1840, their entire disinterestedness in concluding the arrangement for intervention in Syria, and they pledge their determination not to seek for any exclusive advantages, exclusive influence, or territorial additions for themselves, or for any stipulations peculiarly favourable in reference to commerce. My Lords, that is the instrument which, as I state, has been actually signed. The measures which the Porte has taken are as follows:—Troops were immediately sent in considerable numbers to Syria, and a special Commissioner of the Porte has been despatched with very full powers. The assurances which the Sultan himself and all the Ministers of the Porte at Constantinople have given of their determination to inflict immediate and condign punishment on the guilty parties are all that can be wished; and if these assurances are fully carried out the result cannot fail to be most salutary. The different Powers have determined to send a Commission to Syria, and my noble

Friend (Lord Dufferin) has been selected by the Government to represent this country. It will be the duty of the Commission to inquire into the occurrences which have taken place, and to see, as I cannot doubt will be the case, that the offenders are brought to justice. At the head of these must unquestionably be placed the Pasha of Damascus; and I am glad to inform your Lordships that this officer is already in custody, and the Turkish authorities are determined that he shall be put upon his trial without delay. If it be conducted, as there is no doubt it will, with impartiality, it cannot fail to produce a good effect. We have received intelligence by telegraph that tranquillity has been restored in Damascus, that the new governor has arrived, and that the manner in which he has entered on his new duties is calculated to inspire confidence, and to fill us with the hope that we have heard the end of the massacres in that quarter. The state of things in Syria, however, is such as requires the strong hand; and it cannot be denied that the Porte, with good intentions, is feeble and unable to carry out to the full extent the intentions and wishes of the Sultan and his Ministers. My noble Friend has alluded to the reasons why there were not more troops in Syria at the time when these disturbances broke out. These reasons show at once the difficulties the Porte has to contend with, and the delicacy with which it is necessary to treat all matters concerning the Turkish Empire. It was known that a great ferment existed among the inhabitants of a considerable portion of Northern Turkey, and the Porte was requested by the European Powers to lose no time in sending troops to maintain order in that portion of the Sultan's dominions. A great force was despatched, and the Grand Vizier also set off to inquire into the state of things existing in that part of the country. The reasons are therefore obvious for having to so great an extent denuded the other portions of the Empire of troops. My noble Friend has stated that former events in Syria necessitated on the part of Her Majesty's Government the greatest caution in dealing with this question. Her Majesty's Government felt that the greatest caution was required; but at the same time they could not conceal from themselves that immediate, effective, and vigorous measures on the part of the great Powers of Europe should be taken. We cannot tell, if such disturbances continued, how far they might ex-

tend; and my noble Friend most justly said that, when once the grave questions which agitate the Turkish Empire have reached such a point as to bring about a forcible solution of what is called the great Eastern Question, a state of things must arise which will task the energies and skill of the wisest heads. My noble Friend said the time had passed for half measures. But at the same time he justly added that it was necessary to take every means to prevent the Turkish empire from falling to pieces; and that can only be accomplished by palliatives such as have constantly been applied by the policy of this country for many years. I have omitted to refer to an allusion of my noble Friend to the want of intimation of any steps having been taken by Sir Henry Bulwer when the outbreak took place, or to his having given any intimation to the Consuls. If I were not unwilling to occupy more of your Lordships' time I could point out to him the despatch which will be found in these papers, showing that the moment Sir Henry Bulwer received intelligence by telegraph that the conflict had broken out, he forwarded a despatch to the Consul General at Beyrout, enjoining him to take the most active measures for the restoration of tranquillity and confidence. I do not think it necessary that I should enter into the general question to which my noble Friend at the conclusion of his speech alluded. It is sufficient that I should, on the present occasion, deal with this particular question, in itself one of the most difficult kind. Her Majesty's Government have had their attention most earnestly directed to it. There has been among the different Powers of Europe a general concurrence of opinion as to the steps which ought to be taken. The Porte has admitted the necessity of this intervention; and I cannot but hope that the disinterestedness shown by the great Powers, the prudence with which they have treated this difficulty without evincing the slightest desire to neglect it or to avoid looking it fairly in the face, will enable us to bring to a satisfactory conclusion a question which all who are acquainted with Eastern affairs must admit is one of the most dangerous which have lately arisen with regard to the Turkish Empire; and dangerous as it may be to the stability of that Empire, still more dangerous as my noble Friend has said, in its possible effects to the peace of Europe and the good understanding of the different Powers; for so close is the con-

nection between what is called the Eastern Question and the general policy of Europe, that it is impossible that any great catastrophe could occur in the Turkish Empire without involving us in calamities of which no man can see the end.

THE EARL OF DERBY: I do not wish to say one word with reference to the question so ably introduced by the noble Lord opposite, because I feel that it is one of such enormous difficulty and such immense delicacy that I am quite certain it is the duty of all persons in this country who feel an interest in Eastern affairs to abstain as far as possible from any discussions which may have the tendency of embarrassing Her Majesty's Government. In the great uncertainty which surrounds the matter, it is quite impossible that we can be of any use in assisting them to arrive at a decision, and we shall best perform our duty by leaving to them the discretion and responsibility of dealing with it. I merely rise now for the purpose of asking the Government whether there is any truth in the statement which I have seen in the newspapers, and which, if true, reflects the greatest credit on the gentleman concerned—that, on the port of Tyre being threatened by a body of armed men, the inhabitants of the town implored the assistance of an English gentleman—named Harvey, I think—who happened to be accidentally present in his yacht (which was taken on shore for a man-of-war), and he, without the smallest hesitation, landed his men and some small pieces, which he had on board merely to fire salutes:—the effect of which vigour and energy was that the town was rescued from the threatened danger. I am quite sure your Lordships will concur with me that, if that statement be true, it reflects the greatest credit on that gentleman; and I should like to ask Her Majesty's Government whether they have transmitted to him the expression of their approval of his conduct?

LORD WODEHOUSE: The facts are as the noble Earl has stated, and they will be found stated in these papers. Nothing could be more creditable to Mr. Harvey than his conduct on this occasion; nothing could be more timely for the inhabitants of the threatened town; nothing could show more decisively what respect is felt for the English name in that quarter of the world. I believe he did not land his men and guns, as the noble Earl has stated; but he placed his vessel and her guns in such a position that she was

supposed ashore to be a British man-of-war; and the bare supposition was sufficient for the purpose. I cannot state to the noble Earl that we have sent to Mr. Harvey any intimation of our approval of his conduct; but I am sure that if my noble Friend at the head of the Foreign Office has an opportunity of expressing to him his high admiration of his conduct he will not fail to do so. I cannot forbear mentioning that in the midst of these horrible events there has been a bright example of humanity on the part of a Mahomedan lady which deserves the highest praise. We are informed that this lady, whose name I do not now remember, the sister of a Mahomedan of great influence near Hasbeya, took into her house some 300 Christian women at the time of the massacre there; and when the armed crowd tried to force its way into the harem she told them she had taken the women under her protection, and threatened them with the consequences of violating the sanctity of a Mussulman's house.

THE MARQUESS OF CLANRICARDE said, there was another Mahomedan whose conduct in this affair—as reported in the newspapers—deserved to be mentioned with praise—Abd-el-Kader, who had no particular reason to be fond of Christians or of the European Powers. He fully acknowledged the delicacy of this question, but he did not think that delicacy ought to be carried to such an extent as to become insincerity. If anything was really to be done in the matter, some stronger remedy must be applied than the mere palliatives which had been resorted to hitherto. He found no fault with the action which the Government had taken so far. The noble Lord the Under Secretary had not told them much, however. He could not believe that the protocol spoke the truth when it recited that this intervention was to take place with the consent and “at the desire” of the Porte, for the Turkish Agents in all the different Courts of Europe were going about stating that the Turkish Government had force enough to put down the disturbances, and that the massacre was at an end. If it was at an end, it was because there was no one left to murder. It was not to be tolerated that this feeble, effete Government was to have a right to hold in a state of barbarism some of the finest districts in the world. All diplomatic conventionalities were broken through in the case of Greece; the Governments of that day interfered on the ground of the

broad rights of humanity; and in this case we must do a good deal more than merely sign protocols and send Commissioners and a body of troops to remain there six months. What security had we that after those troops were withdrawn the same scenes would not occur again? The question must be met by an union among the Great Powers, to take upon themselves to see that the country was better governed in future. Whether that would be best done by giving certain powers to resident European Agents, or by still stronger measures, it was not his duty now to determine. The crisis, however, could only be avoided by dealing with the danger boldly. He rejoiced that we were acting in this matter in sincere concord with the French Government, who, he believed, had acted with the utmost sincerity in this matter. He believed the French Government was anxious to keep close the alliance with England, and also to keep the peace of Europe and of the world. He thought that Parliament should know what the Commissioners were to do. His noble Friend said that he hoped the interference of Europe would lead to salutary results, and there was no doubt that it would prevent a great loss of life. Many persons were to lose their lives judicially; but was that sufficient to ensure safety? The French Government had lost not a moment in acting with that vigour which every Christian man must think so necessary. He believed also that our Foreign Office lost no time in seconding the efforts of the French Government. He should be glad if there was an expression of the feeling on the part of this country that the time had come when the Christian Powers would not allow the recurrence of these scenes. The great danger which had been alluded to would not be lessened by postponement. They had much better make up their minds to discuss and deal with the case, because palliatives would not suffice, and it did not become this country to withdraw her hand from the work until some security for the future had been obtained.

EARL GRANVILLE: My Lords, I rather regret that the discussion was not left where it was when the noble Earl opposite (the Earl of Derby) finished his speech, because it certainly is a very difficult and a very delicate question. On the one hand, horror is inspired by the accounts of the atrocities which have been perpetrated, and indignation at the weakness which the Turkish Government has shown. On the

other hand, I think we should not allow those feelings to carry us away to declare a total change of policy with regard to the desirability of maintaining the integrity of the Ottoman Empire. Up to the present moment that has been the policy of England and the policy of Europe. If it were not a worthy object of policy those who supported the war with Russia would have very little excuse to give for the money and blood which were expended. It was not from mere love of the Turks or of the Mussulman religion that the Turkish Government was supported at that crisis; but on the broad principle that it was difficult otherwise to maintain the Turkish Empire as it at present exists. When noble Lords talk of palliatives being no longer of any use, is it meant to proceed at once to break up the territories of the Turkish Empire? If so, then there comes the grave consideration in whose hands those territories shall be placed. No doubt, with regard to the expedition now being planned on the part of France in conjunction with the other Powers of Europe it is an exceptional measure; but if it will put an end to these occurrences and resettle Syria in a more satisfactory manner I shall greatly rejoice; for I cannot concur with the noble Marquess that all danger of further massacre is at an end, because all the Christians that could be massacred have been killed. I feel that an awful responsibility rests with the Powers who were parties to the Treaty of Paris to prevent the spread of that fanatical spirit in Turkey which may be excited still further against the Christians. The whole House must agree with what fell from the noble Earl opposite, that there are two sides to this question. It is one of the greatest importance, and of the most delicate and difficult nature, and we should not, because our feelings are roused by what has occurred, rashly and entirely change the policy which has hitherto been considered to contribute to the peace of Europe and to the balance of power in the world.

LORD STRATFORD DE REDCLIFFE said, that he wished before the debate closed to offer a few words in explanation. His noble Friend who had just sat down seemed very naturally apprehensive that if they took a strong view of the question it would lead to a departure from the policy which had hitherto been pursued. What he meant to say was this—that we had pursued a course of palliatives for the last twenty-five or thirty years, that the

Turks had not shown any practical attention to the advice of their best friends, that the Sultan had not taken—or at least had not seen that his servants had taken—the measures which were necessary to carry into execution the Proclamation which comprised all the Reforms necessary for the salvation of the empire; and that the Turkish Government had shown remissness and apathy, which had tended to continue its weakness, and had led in a great measure to the fatal occurrences which had taken place. What he maintained was, that what had occurred in Syria should be a warning to Her Majesty's Government to exert the right and to perform the paramount duty which belonged to them, after the positive compromising guarantee of the integrity of the Turkish Empire which was, for the first time, given by the Treaty of 1856—to insist that the Turkish Government should carry into execution the scheme of Reform which had been proclaimed, without creating any disturbance from one end of the Turkish Empire to the other. It might have been supposed that the Proclamation would have caused serious opposition; but it did not, and one reason was that care was taken to provide a better administration of the law in favour of the Mussulman as well as in favour of the Christian population. What he maintained was this,—that Her Majesty's Government ought to take advantage of the present occasion in order to prevent future complications, to press upon the Porte, and not only to press upon the Porte, but to secure its acquiescence in carrying into immediate though gradual effect, the reforms to which it was pledged. He had with his own ears heard the Grand Vizier, who was one of the most effective of the Turkish officers and honoured with the confidence of the Sovereign, state that he considered the reforms which were subsequently introduced into the Imperial proclamation absolutely indispensable to the existence of the Turkish Empire. With the pledges of the Sovereign, the opinion of the Minister, the Proclamation recorded in the treaty of peace and accompanied by a solemn guarantee which might one day involve this country in most serious sacrifices, he thought it was not only the true policy but the indispensable duty of the European Powers, and particularly of Her Majesty's Government, to make the Turkish Government understand that to carry out those reforms was the only chance—for, so help him God, he believed it was—of keeping

the empire together and staving off the great catastrophe which all wished to avoid. The case of Greece had been referred to. He knew that the effort to give independence to Greece was considered by some to be a fatal blow to the Turkish Empire; but no view was more utterly unfounded. Greece would have been a continual sore to Turkey, and the cause of constant interference on the part of Russia. There was another consideration likewise—that it was impossible to establish the independence of Greece without forcing upon Turkey a better civil administration for those Greeks who remained under the Sultan's sceptre, and it was impossible to introduce a more humane system for the Greeks without benefiting the Mussulman subjects of Turkey. Nothing was further from his intention than to encourage a violation of the law of nations. He never recommended that they should go with an armed force and insist upon the Sultan giving up the administration of his country to Foreign Powers. But he did say that, while a system of comprehensive amendment was accepted by the Turkish Government and recorded in a great public treaty, and since many times confirmed, they should look to the Turkish Government to take the measures which were necessary to give it effect; and among those measures, in his humble opinion, however inconvenient, should be a conference established at Stamboul to see that the proclamation was carried into effect. He was glad to receive the assurance of his noble Friend that the Foreign Office and their agents were paying so much attention to this subject. At the same time he did not quite understand why there should be any objection to produce the evidence of the activity of their Minister at Constantinople in regard to those events which happened more than a year ago, and of the attention which was paid to the warnings of what was coming on in Syria. The noble Under Secretary for War had urged reasons for not acceding to the Motion; but he (Lord Stratford) thought a distinction might be made between one part of a Correspondence proceeding from the Foreign Office and another. He presumed there might be correspondence referring to this particular question and not to anything else; and he hoped his noble Friend would consent to modify the refusal he had given to his request, and in that case would be happy to alter the Motion so as to meet his views.

LORD WODEHOUSE was sorry he could not make any other answer to the noble Lord than that he had already given. Their Lordships might rest assured that they would receive full information on the subject as soon as possible; but it would be highly inconvenient to produce the papers asked for at the present moment.

LORD STRATFORD DE REDCLIFFE was unwilling to press his Motion to the embarrassment of the Government, and would therefore withdraw it.

Motion, by leave of the House, *withdrawn*.

SENIOR MEMBER OF COUNCIL (INDIA) BILL.

RESOLUTION OF URGENCY.—SECOND READING.

THE DUKE OF ARGYLL moved,

“That as regards the Senior Member of Council (India) Bill, inasmuch as doubts as to the authority of the Senior Member of the Council of the Governor General of India in the absence of the President appointed by the Governor General have recently arisen, and unless at once set at rest might embarrass the Proceedings of the Council and produce serious public inconvenience; the circumstances which require Legislation on this subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary.”

THE MARQUESS OF CLANRICARDE remarked that although the principle had been frequently proclaimed and applauded in Parliament, that India ought to be governed in India, the only steps which had been taken had been in a contrary direction. He hoped that the Council at home would not be allowed to encroach upon the powers and influence of the Government in India.

Resolution *agreed to*.

Bill read 2^a (according to Order), and committed to a Committee of the Whole House on *Monday* next.

ADMIRALTY JURISDICTION (INDIA) BILL.

RESOLUTION OF URGENCY.—SECOND READING.

THE DUKE OF ARGYLL moved,

“That as regards the Admiralty Jurisdiction (India) Bill, inasmuch as certain piratical Acts recently committed on the Coast of Tenasserim having been found not to be punishable owing to there being no Tribunal competent to try the Culprits, it is to be feared that similar Acts may occur in consequence of such Impunity; the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary.”

Lord Stratford de Redcliffe

Resolution *agreed to*.

Bill read 2^a (according to Order), and committed to a Committee of the Whole House on *Monday* next.

SUPERANNUATION ACT (1859) AMENDMENT BILL.

RESOLUTION OF URGENCY.

SECOND READING.

THE DUKE OF ARGYLL moved to resolve,

“That as regards the Superannuation Act (1859) Amendment Bill, inasmuch as in the Organization of certain Departments connected with the Establishment of the Secretary of State for India it may be necessary for the public Service to transfer to those Departments Persons holding Situations in the Civil Service of the United Kingdom, and as such Transfers cannot be made without Injustice to the Rights of the Parties thus transferred under the existing Superannuation Act, the Circumstances which require Legislation on the Subject Matter of the said Bill are of such real Urgency as to render the immediate Consideration of the same necessary.”

Resolution *agreed to*.

Bill read 2^a (according to Order) and committed to a Committee of the Whole House on *Monday* next.

House adjourned at half past Eight o'clock, to *Monday* next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, August 3, 1860.

MINUTES.] PUBLIC BILLS.—1^o Fortifications (Provisions for Expenses); Defence of the Realm.
2^o Stamp Duties (No. 2); Industrial Schools Act (1857) Amendment.
3^o Savings Banks and Friendly Societies Investments; East India Stock Transfer, &c.; Landlord and Tenant (Ireland).

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee; Mr. MASSEY in the Chair.

Motion made, and Question proposed,

“That a sum, not exceeding £39,597, be granted to Her Majesty, to defray the Charge for Works and Expenses at the New Houses of Parliament, to the 31st day of March 1861.”

SIR JOHN SHELLEY asked whether the coating now being put on the stonework of the Houses was done by contract, or how; and whether there was more than one kind of wash applied?

MR. W. WILLIAMS said, he wished to

refer to the erection of the statues of British Sovereigns, and to ask whether it was intended to erect a statue to Cromwell, who had done more to introduce just laws into this country, and to lay the foundation of its liberties, than any ruler that had preceded him?

MR. AUGUSTUS SMITH said, he thought it was in the very worst possible taste to paint the interior of the House. There was a charge for removing the mud of the river. Now the bed of the Thames belonged to the Crown and the conservators, and he thought that they ought to remove the mud. He wished to know where the new stables for the Speaker were? He trusted an answer would be given to the question respecting the series of royal statues. Where would the series begin? At £800 per statue, the series from the Conqueror would cost no less than £28,000.

MR. SPOONER said, he wished to have an explanation as to the item of £4,300 for warming and ventilation. He found that the largeness of the item was a good deal owing to the imperfect state of the chimneys. Many of the rooms were uninhabitable on account of smoke, and it was found necessary to burn coke.

MR. COWPER said, the system of ventilating and warming the House as arranged by Dr. Reed required the consumption of a great deal of fuel, and it could not be denied that it led to a great deal of smoke. The works were under the direction of Mr. Gurney, and he did all in his power to economise the expenditure, but the expense was, nevertheless, very considerable. He did not, however, see how it could be obviated without very extensive alterations. The rule was never to let the temperature of the House fall below 56 degrees; and there was, therefore, a necessity for artificial heat during a great portion of the year.

As to the coating of the stone, a Vote of £10,000 was last year taken for that purpose, and the paper then laid on the table showed that great pains had been taken to ascertain the best process for the preservation of the stone. Under the advice of Professor Faraday and others he had entered into a contract for the coating of certain portions of the building, under the direction of M. Sezerelmy, at 1s. a yard and some extras.

With regard to the statues, it was unnecessary for him to follow the hon. Member for Lambeth into any historical discus-

sion. The statues were to be erected in accordance with a Report of the Fine Arts Commission in 1845, and each of the Sovereigns of this country was to have one; but he was not prepared to say whether a statue to Cromwell would be included. However, a good many years would elapse before they came in chronological order to Cromwell. The charge for removing mud from the Thames was a very small one—£175.

LORD FERMOY complained of the want of a few rooms in which Members might receive their constituents. It was not at all clear that Sezerelmy's process was the best. It appeared to be only a sort of whitewash, whereas Mr. Dean's process acted chemically upon the stone, and appeared to harden it considerably. He would suggest that a court be done by each process, and then hon. Members might next year judge for themselves which seemed the most likely to answer.

House resumed. Committee report Progress: to sit again *this day*.

DELHI AND LUCKNOW PRIZE MONEY.

QUESTION.

SIR MINTO FARQUHAR said, he would beg to ask the Secretary of State for India what progress has been made towards the settlement and distribution of the Delhi and Lucknow Prize Money, and of Indian Prize Money generally.

SIR CHARLES WOOD said, that with regard to the Delhi, and also the Lucknow Prize Money, he stated some time since that the necessary application had been made to the Treasury on the subject. Then came the question as to the scale of distribution which was to be adopted; and the Treasury, upon whom the responsibility rested, thought the same scale as that adopted in the Crimean war should be applied to the Indian Prize Money. The Treasury asked the opinion of the Indian Council, and the Council thought that the new scale, which was far more favourable to the soldier than the old Indian scale, should be adopted. But a number of objections seemed to have arisen on the part of Officers, and accordingly a Commission of Official men from Chelsea Hospital, the Treasury, the Horse Guards, the Indian Office, the Admiralty, and the War Office, had been appointed to consider and report upon the proper scale to be adopted. He believed that a Report from this Commission had been sent either to the Trea-

sury or the War Office. But if so, it had only been a day or two since, and no official step had been taken in the matter. The next step would be for the Treasury to consider whether it would adopt their Report, or if not, what scale should be decided upon.

SEA TIME FOR REVENUE OFFICERS.

QUESTION.

MR. DUNN said, he rose to ask the Secretary to the Admiralty whether, in the contemplated scheme of Naval Retirement, time served in a Revenue Cruiser for the suppression of Smuggling, and therefore in Her Majesty's Service, is to be counted as sea time.

LORD CLARENCE PAGET said, that sea time would be allowed for time served in a Revenue Cruiser for the suppression of smuggling, and at the same time he would beg to call the attention of Officers to Her Majesty's Order in Council on the subject in the *Gazette* of that day.

THE NEUTRALIZED PROVINCES OF SAVOY.—QUESTION.

LORD JOHN MANNERS said, he begged to be allowed to put a question to the noble Lord the Secretary of State for Foreign Affairs respecting the proposed conference with reference to the neutralized Provinces of Savoy. On the 25th of June last he believed the House was informed that the English Government had acceded to the proposals which had been made by the French Government for the appointment of a Conference to settle how the arrangements connected with the annexation of the northern provinces of Savoy should be carried out. He begged, then, to ask the noble Lord as to the time when, the place where, and the mode in which, such Conference will be held?

LORD JOHN RUSSELL said, that the noble Lord had stated quite correctly that Her Majesty's Government had accepted a proposal for a Conference. That proposal, together with two other modes of settlement, were submitted to the great Powers by the French Government; and Her Majesty's Government immediately accepted the proposal for a Conference. But the Governments of Austria and Prussia stated that for various reasons they thought there would be no advantage in assembling a Conference. There had been no meeting of the great Powers since, nor had any time been submitted as to when

the Conference should be held. Therefore so the matter must remain until those two great Powers withdrew their opposition, or until some other proposal should be made.

DISTURBANCES IN SYRIA.

OBSERVATIONS.

MR. RICH rose, pursuant to notice, to call attention to the Papers respecting the disturbances in Syria, and more especially to the Telegraphic Despatch (No. 20) of the Consul at Smyrna, of the 11th July; and also to the Despatch from the Admiralty (No. 21), covering the Reports of Captain Paynter, of Her Majesty's ship *Exmouth*, off Beyrout; and to ask a question thereon of the Secretary of State for Foreign Affairs. The country had a right to expect that some expression of opinion should take place with respect to the deplorable and flagrant outrages on humanity which had recently occurred in Syria, and especially before Parliament separated, there should be some more explicit declaration from the Government as to the course which they might be prepared to adopt. Indeed he felt convinced that unless strong measures were at once taken with a high hand, the tranquillity of Turkey would be seriously shaken, and serious consequences would follow to Europe in general. In a despatch addressed to the noble Lord the Foreign Secretary on the 27th of June, Sir Henry Bulwer stated, that with deep regret he had to observe the Ottoman Government were the more to blame for what had occurred in Syria, since a week had not passed during the last year in which he had not brought the state of that province under the notice of the Turkish Ministers. It appeared from the first despatch of Mr. Consul Moore, dated the 18th of May, that even at that early period he considered an outbreak imminent. He had to report, he said, a marked increase within the last fortnight of agitation and insecurity in the Druse district of the Lebanon. Assassinations and reprisals were of almost daily occurrence between the Christians and the Druses. The last took place two days before. A party of Christians on their way to Deir-el-Kammar were attacked by the Druses, and four of them were killed, including a Maronite priest. This, he added, would probably provoke retaliation on the part of the Christians, if it did not lead to a general rising of both sects, of which there were many symptoms. About the same period the Christians,

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seeing the imminence of the danger which threatened them, addressed Kurschid Pasha in a memorial setting forth the assassinations perpetrated upon them by the Druses, and the absolute impunity with which the assassins escaped. The reply was one of those stereotyped answers promising protection and doing nothing. On the same day the Consular body at Beyrout, at the request of the merchants residing there, waited on Kurschid Pasha, and requested him to take steps for averting the impending horrors. They too were assured that proper measures would be taken for the protection of all parties and the suppression of all violence; but, while this answer was being given, the outbreak which the Pasha told the Consular body should be prevented was actually taking place. Mr. Moore wrote to Sir Henry Bulwer that the Druses had attacked some villages in the Lebanon, and had killed several of the inhabitants; that it was reported the Turkish irregular troops fired upon the Christians; that after the flight of the Christians their houses were pillaged and burnt; and that the Bashi-Bazouks had cut the throat of the ex-Governor of Mount Lebanon, a man eighty-five years of age, and quite blind. This outrage was followed by an attack upon Deir-el-Kammar, the Christian capital of the Lebanon, of which a report was made to Mr. Moore by Mr. Burn, an American missionary. The greatest atrocities were perpetrated upon the inhabitants, and Mr. Burn distinctly stated that the Druses were the aggressors, and that the Christians there had received letters from the Pasha praising their forbearance. Mr. Burn asked for succour both in men and provisions. These were as usual promised by Kurschid Pasha, upon an application from Mr. Moore, but its fulfilment is illustrated by a despatch of Mr. Moore, written a few days later, reporting that Deir-el-Kammar had been surrendered unconditionally to the Druses; and that the Turkish garrison had joined in the attack upon the inhabitants; that after the surrender the Druses plundered and burned down 150 of the houses, and then withdrew. It was thus that the pledge given by the Pasha to relieve the Christians had not been redeemed. Three days later he wrote to say that the Mahomedans were rising against the Christians at Beyrout; but the unexpected arrival of a Russian frigate had checked the outbreak. The Consul then spoke of Damascus as early as the 4th of June, where a spirit was described as arising which was of a

menacing character to the lives and property of the Christians. During the whole of this time Sir Henry Bulwer was representing at the Porte, week by week, the imminence of the danger which overwhelmed the Christian population of Syria. The Consul and European inhabitants petitioned the Pasha to protect their lives and property, and received promises of support which were treacherously falsified. Warning had been given, and protection asked and promised; but none was sent till the town had been sacked and destroyed. Mr. Moore stated that the Turkish troops, reported as having been sent by the Pasha to save one town, left it to its fate, although they were encamped at a place only two miles distant. He cited six or seven more instances in which this Pasha promised protection, but withheld it, leaving the Christians to be murdered by the Druses. Then came the assault on the Christian capital of Lebanon. Mr. Moore reported the inhabitants were induced by the Turkish authorities to give up their arms, and were then basely slaughtered. Their dead bodies showed numerous sword wounds about the arms and wrists, evidently arising from the vain attempts of these defenceless men to parry the blows aimed at their heads. There were 2,000 thus treated. Mr. Paynter, of Her Majesty's ship *Exmouth*, described the horrid scene. He states that all the male inhabitants were murdered. On Wednesday, the 10th of June, the Druses began to plunder, assisted by the Turkish troops; after this the town was fired in several places, and the massacre of the men took place, while all the women who did not fly were violated. In the midst of the massacre Kurschid Pasha, the Governor General and promiser of protection arrived, but calmly passed on to a station which overlooked the town, whence he issued an order to stay the slaughter, which he took no steps to arrest. When Mr. Paynter's letter was written, 1,500 males were lying unburied in the ruins; and the women who had fled from the scene of slaughter were making their escape to the European ships on the coast, hunted like wild beasts. The treachery of Osman Bey the perpetrator, and of Kurschid Pasha, the secret abettor of the atrocities, appeared in the present age without a parallel. He first induced the Christians to surrender their arms. They then crowded the poor creatures into the Court of the Serail, with only sufficient food to keep them alive; and, when their strength had vanished, flung open the gates

for the Druses to rush in and consummate the cowardly massacre. Other papers had since confirmed these atrocious details. On the 9th of June, the storm which had been gathering over Damascus drew to a head. It was shown that the Governor of Damascus had 5,000 troops under his command. But in the face of these troops, or rather in concert with them, a rabble of half that number destroyed the whole of the Christian quarter, and put to death from 2,000 to 4,000 persons, including the Dutch Consul. The slaughter would have been still worse but for the conduct of one noble man, and he an exile—Abd-el-Kader,—who, with a truly humane spirit, irrespective of creed, had afforded an asylum in his own house to the proscribed Christians. With these details before them, the House had a right to demand what was to be done to those treacherous wrongdoers and to prevent the recurrence of like outrages. It appeared that Turkey, making a virtue of necessity, had consented to join in a convention for inquiry and redress. For diplomacy's sake he supposed that this wicked and effete empire, which had wallowed in blood, treachery, and corruption for the last fifty years, would be allowed thus to conceal its connivance. He trusted, however, that the petty jealousies of European States would for once be buried in the graves of the poor Christians who had suffered within the last few months in Syria, and that the Great Powers would join with one heart in hanging up on gallows high as Haman's the Turkish pashas and rulers who had permitted and, indeed, connived at these atrocities. He recollected the massacres of Chios and the atrocities in the Morea, which had in like manner led to a European intervention to rescue the Greeks from the abominable rule of Turkey, and he should rejoice to see a similar result in Syria. The hon. Gentleman concluded by asking the Foreign Secretary what course he was prepared to take in the present emergency.

SIR JAMES FERGUSSON said, before the noble Lord the Foreign Secretary rose to reply, he wished to make a few remarks, as he took a great interest in the subject. He believed Her Majesty's Government were addressing themselves to the task of putting an end to the unhappy state of affairs in Syria. He thought misapprehension might occur if the deductions which had been drawn by the hon. Member were supposed to give a correct account of all that had taken place in Syria. He

(Sir James Fergusson) had received from an intelligent English gentleman, living in the part of the Lebanon in which these disturbances had been most prevalent, carefully written journals, dating from the end of May down to the end of the first week in July. He had also had a conversation with a Beyrout merchant of great respectability, who left the country a little before the outbreak took place. With regard to the blue-book from which the hon. Member had quoted, a more unprofitable one was never issued, for, while it gave painful details of the occurrences in the Lebanon, it furnished no information either as to the circumstances which had led to the outbreak or the state of politics in that part of the world. From information on which he could rely he believed that the Christians were in the first place entirely in the wrong, that the Druses were most reluctant to fight at all; and that for some time previous to the disturbances, which began about the 27th of May, great excitement prevailed among them from an impression not wholly without foundation, that the Christians of the Mountain—the Maronites—would attempt to sweep them from that part of the country. He was told by the gentleman with whom he had conversed that several Druses in his service, who lived some miles from Beyrout, and who had to pass through Christian villages on their way home at night, found it necessary to make a circuit in order to avoid these Christians and to escape from insult, their lives, in point of fact, being in danger. About the end of May these disturbances began by the assembling of a large Christian force, consisting of from 1,000 to 3,000 men at a village situate a few miles from Beyrout. The Pasha of the city sent out troops, who dispersed the Christians, and had he followed the same course with regard to the Druses these calamities might have been avoided. When, however, the Druses came down to avenge the insult which had been offered them the Pasha took no steps to disperse them, but, on the contrary, his troops stood by while the Christian villages were sacked and burnt. Prior to this, the Druse chiefs had urged upon the Maronites the expediency of not beginning the war until the silk harvest was over. There had been bad harvests, and the Druses represented that if the crops were again spoiled by the destruction of the mulberry trees great misery would ensue. The Maronites, urged on by their priests, paid no attention to this re-

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monstrance, and the outbreak began. From that time the Druses behaved in a way deserving the greatest condemnation; but it should be remembered that when Asiatics went to war they did not observe the niceties of European warfare—that when these tribes, which had an hereditary hatred of each other, engaged in war, their doctrine was to destroy their enemies root and branch wherever they could find them. It should also be recollected that Syria virtually had no Government, or one that was worse than none at all, and that this war brought together a great number of the Bedouins and wild tribes from the surrounding country, who assembled like vultures, eager for the prey, and committed many outrages for which the Druses were in no way responsible, but which were attributed to them. Putting aside these considerations, however, the question then was what was to be done, and he thought it a wise course to send out a Commission, and he hoped that the Government would in this way prevent the dangerous step which seemed imminent—the despatch of French troops into Syria. He would say nothing about the alleged great cause of the outbreaks; but it would be most unfortunate if that event for which the Maronites had long been looking, and which was so much dreaded by those interested in the maintenance of English influence in the Mediterranean, should now take place, and the French troops should enter Syria. He hoped that the Commission would not interfere with the Turkish Government, or all the blood and treasure which we had expended a few years since would be wasted if we allowed any European Power to interfere with the Turkish Government. At the same time the Turkish authorities in Syria had shown themselves so unworthy of unrestricted power, and European intervention had been so long recognized in the affairs of the Lebanon, that it would be well not to allow them to act alone in future. As the hon. Member for Richmond had stated, the Turkish authorities at Beyrout had shown, if not complicity, at least culpable negligence. When our Consul (Mr. Moore) addressed himself to the chief of the Druses, with whom he had deservedly great influence, he was answered that the Pasha had taken steps to protect the Christians; but it seemed that after the Christians, relying upon that protection, were all disarmed, the Pasha, having in the meanwhile received a higher bribe from the Druses, admitted them into

the seraglio, where the Christians had taken refuge, and where they were slaughtered. It further appeared that this same Pasha prevented Yusuf Bey, who was prepared with a strong force, from interfering on their behalf by assuring him that the Serail was taken care of. There was no doubt, however, that the Serail fell in consequence of the interference of Yusuf Bey being prevented by the Pasha, and it was also, he believed, notorious that it fell by the connivance of the Turkish troops. But notwithstanding the atrocities that had been committed, the Western Powers would commit a great error if they permitted the Druses to be given up to the tender mercies of the Turks. The Christians were, for the present, put down, but if the Druses also were put down, there would be nothing to prevent the Turkish Pashas from oppressing people generally, for the purpose of enriching themselves. Neither would it be just that those who had looked on while these atrocities were being committed should be allowed to escape without notice, and he hoped the Western Powers would insist upon a searching investigation being made into all these occurrences. They should also find out who furnished the arms. Yusuf Bey brought 1,000 rifles from Tripoli, and arms were freely distributed in the mountains, and he hoped that the Commission would draw up a plan for the future better government of that district. It had been attempted to have a Christian Kaimakan and a Druse Kaimakan, but the result had been that each screened offenders against the other, and did not at all act together. There would never be good government until the power of one able man was substituted for the present unsatisfactory form of Government. The recent events read almost like a chapter out of the Old Testament, so little had the country changed in character. When there was a weak Government disorders were prevalent, but when there was a strong Government people could travel with safety, as in the time of Mehemet Ali. He thought the plan which had been found so effectual in India should be adopted in Syria, and that no man should be allowed to have arms unless he was the personal attendant of a chief. If some such step were not taken there would be a recurrence of these outrages, which would afford an excuse to some European Power to interfere for its own selfish objects, and thus our influence in that part of the world would be seriously affected.

ITALY—NEAPOLITAN GOVERNMENT
AND GENERAL GARIBALDI.

QUESTION.

MR. DARBY GRIFFITH said, he wished, before the noble Lord replied to the remarks that had been made, to put a question of which he had given notice—Whether, since Her Majesty's Government have absolutely declined to join in any measures for preventing, by force of arms, any descent upon the Neapolitan Territory by the Troops under General Garibaldi, it would not be expedient to refrain from the expression of any strong opinion of their own, or from endorsing that of others in an opposite sense, which it appears, from recent circumstances, is liable to lead to great misapprehension of their intentions by Foreign Authorities? He had no wish to make any attack on the policy of the noble Lord, which perhaps was the only one which could be adopted under the circumstances, still there was an apparent discrepancy between the declarations of the British Government and their acts or, rather, their negation of action, which might give rise to much misconception abroad. Some time back the noble Lord at the head of the Government, amid the cordial cheers of the House, which was responded to by the country generally—said that what was really wanted in Southern Italy was the ejection of those governments that had misconducted themselves. Afterwards, on the 12th of July, the noble Lord the Foreign Secretary gave an opinion not altogether unfounded, and in which many shared, that under certain circumstances it might be desirable that the change should go no further, and that the kingdom of Naples should be left intact. He would admit the difficulty of stating beforehand what changes should take place. But it was very doubtful whether Sicily should be separated from Naples, and whether, seeing how closely the two countries approximated, being only divided by a strait of a couple of miles broad, they could remain separate. Some time ago he asked the noble Lord (Lord John Russell) what pressure had been brought to bear upon the Government of Sardinia in reference to the expedition to Sicily, and the noble Lord, upon the authority of the British Minister at Turin, stated that no pressure had been put upon that Government in any way, but that, the expedition to Sicily having taken place, and been successful, the King of Sardinia had written to Garibaldi to stop in his victorious career;

and the noble Lord went on to say that the text of that letter was approved by Her Majesty's Government. But Garibaldi having declined to accept the advice given in that letter, and consequently having refused to act in accordance with the views of the British Government, the question arose how far the abstract opinion which Her Majesty's Government had given when they approved of the letter ought to be followed out to its logical consequence—namely, by the intervention of military force. The Neapolitan Government had been led to believe that it was the desire of the British Government to preserve the kingdom of Naples to the present King, and had been led to look to France and England to give practical effect to the noble Lord's opinion. That was evident by the instruction given to the Neapolitan Envoy who was sent to Her Majesty's Government, and who passed through Paris on his way. The noble Lord had also made a statement as to the proposal made to him on the part of the Neapolitan Government by the Marquis de la Greca, and on the following day he read a letter from that nobleman, giving a different version of the object of his mission. It was not to be supposed that either the noble Lord or the Neapolitan Envoy had made a misstatement, and it was clear that the difference arose entirely from the noble Lord having endorsed the opinion expressed in the King of Sardinia's letter to Garibaldi, which opinion and letter it was obvious was not the spontaneous act of the King of Sardinia, but was written under pressure. The position of England in the matter, however, was somewhat undignified; for Garibaldi, having refused to act upon the letter, had refused to act upon the recommendation of the British Government, and it was for the noble Lord to consider how far that recommendation should be enforced. He thought the noble Lord at the head of the Government having explicitly stated his views, and the opinion of the country being so unmistakeably with him, the Government should take care not to encourage, even in appearance, an opposite idea, and that our actions should not be at variance with our declarations. They had recently received an assurance from an important personage that there was no aversion on his part to any arrangement suitable to the circumstances for settling this question. He should have been glad had that statement been made earlier, and it would have more effect now if our recommendation in

reference to the boundaries of Savoy and Switzerland had been accepted. The negotiation upon this matter, as conducted by the noble Lord (Lord John Russell), reflected great credit upon him. There was but one fault, so far as he could judge from the papers before them, which the noble Lord had fallen into, and that was a want in some respects of sufficient candour, added to which the noble Lord had certainly favoured the Government of France, and allowed them to gain a great advantage in the Savoy question.

In putting the question he had read he would add another, namely, whether the noble Lord had received any account of the noble conduct of Abd-el-Kader in protecting some thousands of Christians in his house in Damascus — his house and that of the British Consul being the only ones that were not sacked in that quarter of the city, and whether any acknowledgment of that conduct was contemplated?

MR. SEYMOUR FITZGERALD : I did not intend to address the House with reference to the question raised by the hon. Gentleman opposite (Mr. Rich) and my hon. Friend the Member for Ayrshire (Sir James Fergusson), but it is a matter of importance to know, as far as may be consistent with the interests of the public service, the exact state of affairs in regard to the signature of the convention with Syria. No one must be more sensible than the noble Lord of the importance of supporting the authority of the Turkish Government, and of not adding to their weakness by any unnecessary interference on the part of the European Powers. The House will therefore be glad to know the terms and nature of this convention, and what stipulation has been made or is to be made with reference to the contingents that the various European Powers are to supply for the expedition to Syria, whether any stipulation has been made as to the course which the European forces are to take, and whether they are to act in a manner contrary to the instructions which the Turkish commander may receive from Constantinople. I do not wish to say a word of doubt as to the policy of the French Government in Syria. Considering their claims to the protectorate of the Latin Christians of the East, it is almost impossible for the French Government to avoid taking active steps as to the terrible outrages that have occurred in Syria. But the Crimean war chiefly arose from the jealousy of the Russian and French Governments, the one claiming to

protect the Latin, the other the Greek Church in the East. It is clear that if the French Government interfere in a manner likely to raise the jealousy of the Russian Government great evils will ensue, and it will be almost impossible, if the French Government interfere in Syria in favour of the Latin Christians, for the Russian Government not to be almost compelled to interfere in favour of the Greek Christians in many other parts of the Turkish dominions. A rumour is current in Paris that the delay in the signature of this convention has arisen from a desire on the part of the Turkish Government that the intervention should be extended in favour of the Christians in other parts of Turkey. If that be the case it will show that out of these disturbances there may grow questions that may endanger the peace of Europe in future. The noble Lord has, I believe, received reports from our Consuls in the Levant, and, among others, a communication from our Consul at Salonica, with reference to the proposed convention which I hope it will be consistent with his duty to lay upon the table.

LORD JOHN RUSSELL : My hon. Friend the Member for Richmond (Mr. Rich) has stated, from the papers before the House and from the accounts in the newspapers, the unfortunate transactions which have taken place in Syria. I, therefore, feel it to be quite unnecessary to go into further details of the facts that have occurred ; but the House will naturally expect that I should state what has been done, both by Her Majesty's Government and the Turkish Government, in consequence of these acts, showing, as they do, so much cruelty on the part of one of these tribes, and so much negligence, to say the least of it, on the part of the Turkish authorities. The last accounts state that since the 13th of July the massacre has to a great degree ceased, and by the latest account we have received, we learn that order has been restored at Damascus. Fuad Pasha had, at the date of that account, arrived at Damascus, and the late Governor, who showed such culpable negligence, who appeared to be indifferent to the murder of the Christians, who never interfered at all when these murders were going on, and of whom it is said that if he had interfered with 80 or 100 men he might have stopped these disturbances — that Pasha has been sent to Constantinople to be tried. Sir Henry Bulwer states that

he is to be sent again to Damascus, where the witnesses are, but that there will be no disposition on the part of the Porte to show any lenity to that Governor, and that he will be treated with the severity of justice that he deserves. The Turkish Government have sent to Damascus Fuad Pasha, the Minister for Foreign Affairs, a man of great energy, with not less than 25,000 men for Syria. It appears true that on the 10th ultimo a sort of truce, for I cannot call it a peace—was signed between the Druses and Maronites, the terms of that truce being that no inquiry should be made into past transactions on the part of the Maronites, and that all attacks upon the Maronites shall cease. The hon. and gallant Member for Ayrshire (Sir James Fergusson) is, I think, justified in saying that with regard to these unfortunate events we are not to consider the Maronite Christians as persons totally defenceless, and as by no means intending to attack their neighbours, but that, on the contrary the Druses and Maronites were both armed, and, having sentiments of most bitter hostility to each other, the question really was who should attack the other first. Undoubtedly, however, the atrocities practised have been those practised by the Druses on the Christians. The Christians have been the sufferers, and the lives of thousands of the Christians have been sacrificed. Such have been the proceedings on the part of the Porte, and now with regard to those of the Christian Powers. When these accounts were first received the French Government proposed a Commission of Inquiry, and that it should not be limited to Turkish officials or Commissioners, but that European Commissioners should be joined with it, that they should endeavour to search out the authors of these massacres, and that they should determine what measures would secure peace for the future. To that proposal not only Her Majesty's Government and the other Powers but also the Porte at once willingly assented, and it was agreed that the Commission should be issued. But on the receipt of further accounts from Damascus, including the facts connected with the attacks on the house of the French Consul and the destruction of the convents that were especially protected by the French Government, that Government represented to us that they did not wish to take up any separate case, or to ask for reparation for any separate injury or insult, but that they wished the Powers of Europe to con-

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sider whether the evil was not of a magnitude, and whether the crimes perpetrated were, not of a nature so horrible, that the Powers of Europe ought to take up the case and endeavour to provide a remedy against the recurrence of such scenes. Her Majesty's Government readily acceded to that view. I must say that the Russian Government stated at once that what they wished with regard to Turkey was that there should be no separate action, that no Power should act alone, but that whatever was done should be done by general consent. The French Government, as I have stated, proposed that European forces should be at once sent to Syria with the view of strengthening the Turks, and enabling them to adopt measures for the pacification of that country. That was a course which was, no doubt, one of grave importance, and which no one could say was without danger, but it did seem to be dictated by the necessity of the case, and Her Majesty's Government agreed to consider, in conference with the representatives of the other Powers in Paris, what should be done. Those negotiations have occupied several days. There were questions as to the form in which the Resolutions of the Conference should be embodied, but it was finally agreed that in the shape of a protocol provision should be made for sending European troops to Syria. I have, since I came into the House, received intelligence that at three o'clock to-day a protocol was signed by the representatives of the five Powers and of the Sultan at Paris. The protocol, or it may be the two protocols, which have been signed, is to the following effect:—That, upon the representation of the Sultan that he wishes for the aid of his Allies in order to restore tranquillity in Syria, the European Powers agree that a body of troops not exceeding 12,000 men shall be sent to that country. The next article provides that half of these troops shall be furnished by France, and that immediately after the signature of the protocol they shall be at liberty to depart, with the view of resorting immediately to the coast of Syria. It is provided that when they arrive there all their movements shall be made in concert with the Commissioners of the Porte, and that the Sultan, on his part, shall furnish provisions and every other facility for their accommodation and march. By a further article of the protocol it is provided that the stay of the foreign troops in Syria shall not be prolonged beyond six months,

it being believed that the object for which they are sent there can be attained within that time.

The hon. Gentleman who spoke last asked whether there were any representations on the part of Russia on this subject, and whether they had not caused some delay in the signature of the convention. As I have said, there is not at present any convention; but, with regard to the substance of his question, it certainly was the view of the Russian Government—a view which is no new one on their part, because in the month of April Prince Gortschakoff expressed to the representatives of the other Powers the same opinion—that it was desirable the five Powers, with the Sultan, should declare that their serious attention was turned to administrative measures with the view of ameliorating the condition of the Christians in Turkey. It is stated that the Powers, together with the Porte, recollect the engagements which were entered into in 1856, and that, together with the Sultan, they engage that those measures of amelioration shall be adopted. I must upon this subject say that Sir Henry Bulwer lately sent out queries to the various Consuls in European Turkey, and that some of the answers which have been received—answers which evince the great intelligence and knowledge of the country possessed by the Consuls—without indicating that the Government of the Sultan is wilfully tyrannical and oppressive, certainly show that there exist under it a great many abuses, some of them abuses difficult to remedy, but others such as, in my opinion at least, might easily be removed, and which therefore justify the proposal which has been made by the Russian Government. The article which refers to that subject is in the most general terms, and will not justify the intervention of any foreign Power with regard to any future case. Every such case will be left to be dealt with upon its merits. Of course, what is now taking place may be alluded to as a precedent, but there is no provision for the future. According to the opinion of Her Majesty's Government, it would be most imprudent and most dangerous to make any provision for the future under which there might be interference with the Government of the Sultan. There is, besides, a protocol, declaring, nearly in the terms of that of 1840, that in interfering in the affairs of Turkey none of the Powers will seek any addition of territory or any exclusive in-

fluence or any separate commercial advantage.

In the difficult and, I must own, perilous condition of the Turkish Empire, and considering the necessity which there seems to be that the Powers of Europe should from time to time interfere in the affairs of that empire, it seems to Her Majesty's Government, and I believe that it is the opinion of all the Powers of Europe, that the only path of safety lies in concert, in combination, and in endeavouring, without seeking separate advantages, to point out to the Porte in what manner his throne may be made secure and satisfaction be given to all his subjects, Christians as well as Turkish. The task is a most difficult one, and nothing but the most disinterested conduct on the part of the Powers, as well as the inclination of the Sultan, to adopt the reforms which are necessary, will enable us to tread safely in that direction. At the same time, while advice is given and while reforms are suggested, it is necessary that their ultimate execution should be left in the hands of officers appointed by the Porte. If we or any other Power were to attempt to interfere directly in the administration of Turkey there is this great danger; that we should not only diminish the authority of the Sultan, but might awake the fanatical passions of the Moslems, who might think that they were betrayed, and might involve the whole empire in bloodshed and sedition. The question is one of the greatest difficulty. When the protocol has been received I will lay it upon the table; but I trust that the House will not press the Government to produce papers relating to difficult negotiations which have taken place, or will be taking place, upon this subject. We must endeavour, according to our views of policy, to do what seems to us best adapted to preserve the peace of Europe, and to improve the state of Turkey; and until something definite is settled I trust that the House will not ask us to produce papers relating to the subject.

In answer to the question of the hon. Member for Devizes (Mr. D. Griffith), I do not think that I have anything to add to what I have formerly said with regard to the state of Italy. We do not propose to interfere by force in the affairs of Southern Italy, or to prevent the Italians settling their Government in their own way. They may adopt very wise Resolutions, they may adopt what we may think very impolitic ones, but the Governments both of England and France are determined to act upon that

principle of non-intervention. With respect to the conduct of Abd-el-Kader, I have to-day received despatches from our Consul, but I cannot state accurately what are their contents.

MR. BRIGHT: Considering the difficult position in which the noble Lord is placed with regard to this question, I am not disposed to find fault with the explanation he has made, or with regard to the intervention which is proposed, and which is about to take place. Probably, there is no intervention within our memory which could be so well excused as this which is now about to take place in Syria, because it takes rather the aspect of a movement of a police force, than an expedition of troops with any special political object. I have seen with satisfaction what appeared to me the moderate and fair course, which, so far as we can judge from what we learn from the papers, that has been pursued by the different Governments in regard to this very difficult and perilous question. I hope that the course which has been pursued by the French Government, at least so far as we can judge from what we read, will be admitted to be another ground for lessening some of that distrust which has been excited with regard to the intentions of that Power. The hon. Member for Horsham (Mr. Seymour FitzGerald), in putting his question to the noble Lord, expressed his hope and belief that the noble Lord was as strong as ever he was in the intention of maintaining the integrity of the Turkish Empire, and of supporting the Sultan's Government. I do not quote the words of the hon. Gentleman; but I understand that to be what he meant. Now, Sir, I have risen for the purpose of entering my protest against any such policy. I know something of the difficulty of the position, and I can feel for the extreme difficulty in which the noble Lord the Foreign Secretary finds himself. Now, we have been supporting the Sultan for a considerable period, and hitherto with very indifferent success. I think the hon. and gallant Member who sits below me (Sir Charles Napier) can tell us something of what took place in 1840, and I have no doubt that if he were to give his unbiassed testimony—as I am sure he would if he stood up to say anything about it—he would tell us it was not a very fortunate achievement in which he was engaged in 1840, and that probably his vessels had not left sight of the shores of Syria before the Turks returned to their tyranny, and

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the Christians again passed under the yoke of their oppressors. It is notorious to everybody that whilst that part of Asia was under the government of the Egyptian Pasha there was tranquillity throughout the land, and travellers might pass wherever they liked with at least a fair security; but when that rule was withdrawn, the country returned to the condition of its former, and of its present anarchy. I contest altogether the wisdom and right of the Government of this country in interfering to support a Power which is utterly and obviously, according to the noble Lord's own statement, doomed to extinction from a decay which it is altogether impossible, in my opinion, for any human aid to avert. Well, then, coming down from 1840, we have had that sad calamity, the Crimean war. I am one of those not responsible for that war. When war was declared, and a message came down to this House from the Crown, I expressed my disapprobation of it on the ground that that which you were undertaking to do, and upon which you were willing to sacrifice unknown millions of English treasure and many thousands of English lives, was a thing which every man in this House, who knew anything of the circumstances, at that moment must have known was an impossible task; and yet you rushed into it as if it were a matter of easy achievement, and persuaded the people of this country that you were doing a meritorious work for freedom. A noble Lord in the other House of Parliament went so far as to make a speech to show that the Mahomedans, in their practices and character, were better Christians than the Russians themselves. Why, I recollect the noble Lord at the head of the Government, who is not at all particular in that which he states when he has an object in persuading the House to take a certain course—adverse often, I believe, to the honour and to the interests of the country—the noble Lord—I recollect it as well as if it had been said only last night—stated that he believed there was no country in Europe in which improvement and improved administration had made such progress within the last twenty years as in Turkey, and in its government. I do not say the noble Lord did not believe that; but if he did believe it, he was the only man at all acquainted with Turkish affairs, who could possibly entertain so erroneous a notion. The thing was utterly inaccurate, and without foundation.

After you had made the war, and, as

you said, chastised Russia, and re-established the power and dignity of the Porte, and secured the integrity of the Turkish Empire, by a treaty of the various Powers of Europe, you come now, nearly seven years after the commencement of that war, and four years only after its termination, and you find that country in a worse condition of anarchy than it was before you meddled with it. Your war did several things for Turkey. It destroyed what it had of a fleet; it destroyed what it had of an army. It left its finances in a more embarrassed condition than before; it left its revenues from Egypt, and, I think, from Syria, also pledged and mortgaged to the Powers which had lent it money; and it did that to which the noble Lord has referred as a thing greatly to be dreaded—it depreciated and stained altogether, in the eye of the Mahomedan population, the dignity of the Sultan, which they had been previously so much accustomed to regard. You have maintained upon the throne a man totally incapable of doing any single thing in the way of Government. We hear every three months that the Sultan has issued a severe order about something connected with the finances. That is all pretence; done with the idea of bolstering up, in the markets of Europe, Turkish Stock, and to force people to believe there is going to be some improvement. But there never is any improvement made. When you hear there is a wedding in the Sultan's family, in that of any of the Grand Pashas, the extravagance and expense is something that can hardly be credited in any Christian country. All this we hear; but we find, from time to time, that there is growing up in every part of the empire suspicion and distrust of the Government, hatred of the system under which they live—the tribes, as in Syria, massacring one another; and yet the very authorities of the Sultan, the pashas, who were receiving his wages—men whom, for aught I know, you decorated during that war—did not lift a hand to stay the shedding of the blood of your fellow-creatures, and, to some extent, your co-religionists. What is to be the end of it? I was speaking the other day to a gentleman possessing very extensive knowledge of the condition of the Turkish Empire. He believed that five years will not pass over before the Turks themselves, if nothing else occurs, will rise and pull down the Government, which has no longer dignity in their eyes, and which

has no longer the power to protect any portion of its subjects. He also says that in European Turkey such is the helplessness of the Government, and the unprotected condition of the people, that the Christians are everywhere providing themselves with arms for their own defence, and for the purpose, of course, of maintaining their own political views in the circumstances that may arise.

What I want to impress upon the noble Lord is this, and I am sorry to tell the noble Lord that I do not think on this question of foreign matters he is of very teachable material—and perhaps he may think that I am not a very qualified adviser; but seeing that his noble Colleague at the head of the Government did no good by the expedition of 1840—he nearly quarrelled with France, not showing them the moderation which France is showing now—and seeing that both were concerned in the war of 1854, which has produced no useful result, I would seriously ask whether we are to be led again into a struggle with any European nation with the view of maintaining the integrity of a decaying and doomed empire? What has the Crimean war done for us? The only visible result presents itself in the shape of the Commissionaires in the streets of London, unfortunate men who lost their arms in endeavouring to maintain the integrity of the Turkish Empire. The unseen consequences are an enormous addition to our debt and thousands of ill-fated Englishmen buried on the heights of Sebastopol, for whom all you did or could do was to send the Bishop of Gibraltar to consecrate the ground in which their bones repose. The noble Lord hopes that whatever may be done for Turkey will be done by general concert. It appears to me that there are only two modes of dealing with the question which have any argument to recommend them. One is the course of entire abstention. It is very likely that the adoption of that policy by the Powers of Europe would be followed before long by a sanguinary contest both in Asiatic and European Turkey. [LORD JOHN RUSSELL: Hear, hear!] The noble Lord, by the approbation he gives to that statement, puts his seal to all I have said with respect to the perilous condition of Turkey. I say, let the European Powers agree to consult together as to what should be done, not for the purpose of sustaining the Turkish Empire, which I hold to be utterly impossible, but for the purpose of deciding

what shall take place when the Turkish Empire comes to an end. For instance, it would be a positive blessing to the Sultan if there could be a separate Government organized for Syria which should be independent of Constantinople; and probably before long the rebounds from these atrocities committed in Syria will be found in European Turkey, and you may have there risings and disturbances similar to those which have taken place in Syria. If this should occur, instead of caring very much that Russia should add a province to her bulk—for the addition of provinces does not always give power to kingdoms and Governments—do in the name of common sense and common humanity abstain, at any rate, from attempting longer permanently to sustain a government, which everybody in Turkey believes to be unsustainable. Judging from the tone of Russia, of France, and of the noble Lord at the head of the Foreign Office—and I take it Austria and Prussia would not throw obstacles in the way—if you do not adopt the policy of abstention, why should there not be some discussion with a view to establish new, separate, and better governments. The question of Constantinople, which is supposed to be the great political question, is surely not an insuperable difficulty. It cannot be said that Heaven permitted a great city to grow up in a favoured spot to form continually a bone of contention between the nations of Europe, or that the statesmen who have settled so many questions cannot suggest what can be done with this. What I am myself most anxious for is that England should hold itself aloof from that policy—should, in point of fact, repudiate it as altogether a mistake—that the integrity of the Turkish Empire is to be maintained, and that not this power, but the pretended power—the feebleness and dignity of the Sultan, is to be supported; and that all that is to be done again at the expense of the taxes drawn from the English people, and of the blood of Englishmen squandered like water in the endeavour to do that which nature says is impossible, and that all experience tells us we must fail in if we ever attempt.

VISCOUNT PALMERSTON: Sir, the hon. Member for Birmingham has charged me with being not very particular in the statements I make when they are to support my argument. I think I might return the compliment, but there is this difference between us, that upon certain questions of foreign policy and foreign affairs I happen,

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from a variety of circumstances, to be better informed than the hon. Member appears to be. I take leave to say that I derive my knowledge more especially from a long superintendence of the Foreign Department of the Government, while the hon. Member obtains his chiefly from persons who, from their race, their prejudices, and their interests, are not the most impartial judges of the matters to which he has referred to-night. The hon. Member says that I stated on a former occasion that there was no country in Europe which, in the same space of time, had made such great progress in internal improvement as the Turkish Empire had since the death of the late Sultan. [Mr. BRIGHT: Previous to 1853.] My observation referred to the period since the accession of the present Sultan. I repeat that assertion, and I do so with the utmost deliberation and perfect knowledge of what I am stating. I am quite sure that everybody who really knows anything about Turkey will confirm the assertion I made,—that is, anybody who speaks impartially, free from prejudices, and with large and enlightened views. I give the hon. Member credit for the most perfect sincerity in what he states, but I must say that he takes a very limited view of the matter on which he speaks. It is very easy to say that the Turkish Empire will fall to pieces, and therefore you had better arrange what is to be done with the fragments; but the answer to that observation is, “only leave the Turkish Empire alone and perhaps it will not fall to pieces.” If the course suggested by the hon. Member were adopted, and it were to be arranged beforehand what should be done with the fragments of the Turkish Empire, it is not very likely that that empire would last very long, for when once parties who are strong begin to divide prospectively the spoil of the weak, it is probable that the unfortunate party whose spoil is to be divided will not be very long lived. But I differ from the hon. Member in this. I admit that there is immense progress to be made in order to bring Turkey up to the point of any European nation; yet, in looking at Turkey, we are too apt to think of what remains to be done rather than of that which has been done. Still, it is my opinion that if the Turkish Empire be left to itself, free from constant interference, except by good advice and support, it will not fall to pieces as the hon. Member fancies. It is exceedingly easy to say, “You must make

a partition of Turkey," but has the hon. Member considered what the political consequences may be, and must be, on the balance of power in Europe, and on the interests of other countries, of that system of partition which he now so earnestly recommends? I venture to say that, in this respect, the hon. Member takes a very limited view of the matter. He sees only the evils of the present day, and shuts his eyes entirely to those more large and serious consequences which would inevitably result if the principles he recommends were adopted. This is a very large question, and the subject is of too great importance to be discussed on a Motion for the adjournment of the House till Monday; but I only protest against the adoption of the maxims and policy of the hon. Member, and I can assure him that there are much graver, more serious, and more extensive results than he imagines involved in the policy he recommends. I trust that a different policy may tend to avert the evils which would inevitably ensue from the adoption of the policy of the hon. Member.

MILITARY ORGANIZATION.

SIR FREDERIC SMITH said, he rose to ask the Secretary of State for War, Whether Her Majesty's Government contemplate taking any proceedings on the Report from the Select Committee on Military Organization? He wished to advert to some of the recommendations of the Report, which he considered a most valuable document. Among other matters the Report called attention to the fact that there were 3,000 men employed at Woolwich on Sir William Armstrong's guns, that they were under the supervision of Sir William Armstrong, who received £2,000 a year, which was to be continued to him for seven years; that the only place except Woolwich where the manufacture of Armstrong guns was carried on was a factory at Elswick, which was conducted by one of Sir William Armstrong's partners, for which, though Sir William Armstrong had no proprietary interest in it, he had advanced money, and had reserved the right to join in the concern in the event of his leaving the public service. The Report stated that Sir William Armstrong was well worthy of every confidence, but that he was placed by this arrangement in a false position, for he could not watch two great concerns so

distant from each other as Elswick and Woolwich, and ought not to be the inspector of guns made by his own partner. This was undoubtedly an improper arrangement, and he was sure that, now it was brought to the knowledge of the right hon. Secretary for War, it would not be allowed to go on any longer. The Report ended with a recommendation worthy of attention, and he hoped that during the recess it would be carried out by the right hon. Secretary for War, who had proposed a scheme for reorganizing the War Department. The scheme thus proposed would secure the infusion of new military blood into the War Department, which would give vigour to the system and confidence to the army. In his opinion the Report was a very sound one. The right hon. Secretary of State would have around him professional advisers, whose opinion he might consult, either separately or collectively, and he recommended that one or more of the heads of department whose appointment was proposed should have seats in the House of Commons. He thought the right hon. Gentleman would do well to carry out those recommendations.

SUPERANNUATION OF DOCKYARD LABOURERS.—QUESTION.

SIR FRANCIS BARING said, he rose to ask the Secretary to the Admiralty, what course the Admiralty intend to pursue respecting the superannuation of the Dockyard Labourers on the Establishment, and to call the attention of the House to their case? Some four years ago, as the House would recollect, considerable agitation took place on the subject of superannuation, and much dissatisfaction existed and was expressed by the civil service. The ground of that dissatisfaction lay in the deductions from salaries, the scale of superannuation, and the class of persons who were to have the benefit of it. The first cause of complaint was removed by an Act of Parliament brought in by a noble Lord and carried, though opposed by the Government. The arrangement of the scale of superannuation was a matter of comparatively little difficulty. But there was some difficulty in ascertaining and fixing who were the parties who were to have the benefit of the operation of the Act. Under the old Act of Parliament there was no difficulty of that kind, because the deduction and the benefit went

together, and if a party did not pay the deduction he had no claim to the benefit of the Act. The line drawn, therefore, was at any rate a distinct one. His present object was to show that it was the intention of the framers of the existing Act, and of Parliament itself, that the parties whose case he advocated should receive the benefit of the Act. To make the question understood, it was necessary to remember that there were different classes of workmen in the dockyards. There were the artisans, such as shipwrights, blockmakers, &c. These were the established labourers, and there were a class of labourers who were not on the establishment, although they often were employed for a long time. The late Government at first did not intend to introduce any dockyard parties whatever, but they found that it was not possible, admitting the principle, to deny that it ought to be applied to them. An interview took place between Mr. Wilson—who had put on the table of the House some Amendments, with a view to admit those parties—himself (Sir Francis Baring), the Secretary to the Treasury, who had charge of the Bill, and the Secretary to the Admiralty, with the view of settling where the line should be drawn. He had letters from Mr. Wilson, distinctly stating that the intention and understanding then was that the established labourers, the parties whose case he advocated, should be admitted to the benefit of the Act, and he had no hesitation in confirming that opinion himself. The then Secretary of the Treasury and the Secretary of the Admiralty were present, and would confirm his statement. But he might be told that that was a private arrangement on the part of the Treasury, and was not known to Parliament. The hon. Member for Stamford (Sir Stafford Northcote), however, on going into Committee on the Bill, clearly explained that the Government intended to bring in these poor men. Then he might be told that the Act did not embrace their case, and that there were words in it which might be relied on for the purpose of depriving them of the right which Parliament meant to give them. But he did not think that this was a fair argument for the Government to use towards its servants. The Ministry of the day had promised a certain concession; it was made known to Parliament; and it was not quite fair now to turn round and say that, though that might have been the intention of Parliament, it was not sufficiently

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expressed, and that therefore the arrangement could not be carried out. But, in point of fact, he did not think the words of the Act were opposed to the case of the labourers. The second clause of the Act was, he believed, sufficiently explicit, and was, indeed, framed by Mr. Wilson with a view of embracing their case. The first clause of the Act distinctly spoke of parties permanently employed, whether at weekly wages or on annual salary, and for whom provision should not otherwise have been made. Then came another clause, which at the first reading seemed rather complex. The purport of the clause to which he alluded was, that no person should be regarded as belonging to the permanent Civil Service of the State, unless such person held his office directly from the Crown, or had received a certificate from the Civil Service Commissioners. Nor should any person be held to have served in the permanent Civil Service, unless he should have belonged to a class entitled to superannuation. Therefore, the alternative was, either that he should belong to a class already under superannuation, or to a class which was to receive a certificate from the Commissioners. Every human being who read the debates which took place upon the subject knew that new classes were intended to be brought in; for one of the great injustices under the old Act was, that there were several classes of civil servants who had not the benefit of the Act. In the Post Office there were several officers sitting almost in the same rooms as other officers, who had not the benefit of the Superannuation Act, and those were brought in under the new Act. With regard to the certificate to be obtained from the Civil Service Commissioners, that was a point which gave rise to considerable discussion when the Act was passed, and they were told by the then Secretary to the Treasury (Sir Stafford Northcote) that that provision was introduced, not for the purpose of depriving persons who had the benefit of the old Act of what they possessed, but for the purpose of admitting new classes. They were also told that it was not proposed that those poor fellows should be sent up to London to be examined, but the local authorities were to report them as possessing the requisite qualifications, and upon that the Commissioners were to grant the certificate. He did not know whether the Commissioners could grant a certificate upon such conditions; but, if not, the greater was the

grievance. He could quote the cases of several poor men, advanced in years, who had served twenty years and upwards, and had been obliged to retire from injuries which they had sustained in the performance of their duties. Having been one of those who had misled these men into believing that the Government intended to act up to their professions, he felt that he was entitled to ask the Government what they intended to do. There was one answer, at all events, which he hoped he should not get, which was that it would cost a great deal. The question was, had the promise been made? At the time the Act was discussed, the expense was fully stated and considered, and it would not be right, when its benefits had been carried out in respect to all other classes, that the question of cost should be set up to deprive the poorest class of the advantages of the Act.

LORD CLARENCE PAGET said, if any one was to blame for any ambiguity that there might be in the wording of the Superannuation Act, it was the late Government. The late Admiralty had addressed a letter to the Treasury, asking whether established labourers in the dockyards would be entitled to superannuation. That letter was not replied to by the late Treasury Board, but the present Board had requested the Admiralty to send a list of all such persons whom they considered to be entitled to superannuation, and to give their opinion as to the extension of superannuation allowances to ordinary labourers. The right hon. Baronet had elicited a cheer by deprecating the argument of expense being used against his views, but the question of expense was a serious one if all labourers were to be held entitled to superannuation; for it would be not merely the labourers upon the establishment, but others who formed a very numerous class. The present Admiralty had therefore hesitated to recommend this increased burden on the finances of the country. [Mr. W. WILLIAMS; Hear, hear.] The speech of the late hon. Secretary to the Treasury, when the Bill was under discussion, pointed out distinctly that the object of the Bill was to get men for the civil service at moderate salaries—the English of which was that the civil servants, upon condition that they were in their old age to enjoy superannuation allowance, should serve at a lower rate of wages than the market rate. The dockyard artificers were, and had been, entitled to superannuation; but then they were bound to serve

the Government at lower wages than they could obtain in private establishments in consideration of the prospect of a pension. In ordinary times these men received 4s. 6d. a day in the Royal dockyards, which was lower than the market value of their services. Every class of labourers received superannuation under the Act except the lowest class—viz., the ordinary labourers, who receive the full market value of their labour. The Order in Council of 1839 stated that “all artificers and workmen, excluding ordinary labourers and hired men, should be allowed superannuation,” and the ordinary labourers had consequently never received superannuation allowances. Clause 17, quoted by his right hon. Friend, was certainly ambiguous, but it stipulates that all classes entitled to these allowances shall undergo examination before the Civil Service Commissioners. Could they ask an unskilled labourer to go before the Civil Service Commissioners and pass an examination? At all events, it was not fair that a large body of these men should be entitled now for the first time to superannuation allowances unless the House distinctly understood the amount of expenditure it was about to incur. If ordinary labourers were superannuated, how could they exclude dockyard hospital nurses, warders, and a variety of servants of the same class? He did not say whether it was right or wrong that the ordinary labourers in dockyards should receive superannuation, but only that the language of the clause was not sufficiently clear to entitle the Admiralty of itself to recommend them to superannuation allowances. The Admiralty had, in fact, no power to grant these pensions, and it was more a Treasury than an Admiralty question, and it would be submitted for their decision. He did not know the case which had been cited by the right hon. Baronet, but he had not unfrequently submitted to the Treasury claims for pensions and gratuities when persons who were not strictly entitled to them had suffered from ill-health or accidents incurred in the public service. Some Returns on this subject were now in preparation, and, as soon as they were completed, the attention of the Treasury would be called to the subject.

SIR STAFFORD NORTHCOTE said, the matter had been so fully stated by the right hon. Gentleman (Sir Francis Baring) that it would be necessary for him only to confine the statement he had made as to the interview which he, as Secretary to the

Treasury, had with the right hon. Gentleman and Mr. Wilson. The matter had been brought forward several times, and the late Government had been found fault with for having introduced a provision which would admit a large class of labourers before excluded. They defended the proposal as well as they could, and the House accepted the decision. He was himself responsible for the 17th clause, which was said to be ambiguous, although he could not understand where the difficulty lay. It originated in this way. The right hon. Gentleman and Mr. Wilson represented to him that the Bill did not provide for the case of labourers in the dockyards. He replied that it was not intended to include all the labourers. Mr. Wilson thereupon observed that it was necessary to distinguish what was meant by ordinary labourers, since that term included established men, hired men, and those generally known as ordinary labourers. Mr. Wilson added, that of course the Bill would not include the two latter classes; but there were established labourers who were also ordinary labourers, but who were just as much permanent civil servants of the Crown as the clerks of the Treasury, and who ought therefore to be included by the Government in the Bill. Mr. Wilson proposed that the Act should apply to men who had served the Crown in a permanent capacity. There appeared some ambiguity about such a description, and he (Sir Stafford Northcote) thought it would be a proper test that the Act should apply to persons who might be admitted by certificate from the Civil Service Commissioners, since they not only gave certificates for reading and writing, but also as to health, age, and other matters. There was another class of civil servants whose case was provided for, namely, those who did not need certificates from the Commissioners, but who held their appointments directly from the Crown. There also arose a difficulty with respect to persons who were in the service long before the Civil Service Commission was established, and a provision had to be introduced into the clause to meet their case. This was done by applying to them in substance and spirit the same rule as extended to the other classes of civil servants, and thus bringing them within the language of the 17th section. There was really no mystery about the matter, although the section was necessarily a complicated one. The case of the letter-carriers in the Post Office stood on all-fours with that of the

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dockyard labourers. The letter-carriers were ordinary labourers, not requiring to possess any high intellectual attainments. It had been determined, however, that those who were admitted into the service in future should pass an examination as prescribed by the Civil Service Commissioners, and those who did pass such an examination should belong to the first class of letter-carriers. They would be expected to give their whole time to the service, without engaging in any other work, and they would be entitled to superannuation. But those letter-carriers who had been admitted without obtaining the certificate of examination from the Civil Service Commissioners belonging to the second class, who were not required to devote themselves exclusively to their occupation as letter-carriers, and these would not be entitled to a pension. The object of such certificates was to ascertain that they were recognized by the Government as permanent and established servants of a prescribed age, health, or other qualifications. If, therefore, they were to treat these men in the same way as the letter-carriers, and to lay down a distinct rule as to those of them who received and those who did not receive certificates from the Commissioners, the matter would be perfectly clear. There would be one class of established men, regular dockyard labourers, admitted with a certificate, and entitled to superannuation; whilst there would be another class of ordinary labourers, and mere hired men, not permanently belonging to the establishment. The claim of these men was pressed upon the late Government, who acceded to it; and the House, with its eyes open, assented to the arrangement that was come to in their behalf. It would therefore be a breach of faith on the part of the Government if it now refused these persons the benefits which an Act of Parliament deliberately intended to give them.

Mr. CORRY expressed his conviction that the claims of these dockyard labourers had been completely established by the hon. Member for Stamford and the right hon. Member for Portsmouth. The second clause of the Act left no doubt as to their title to superannuation. Previous to 1833 the established labourers in the dockyards, with certain specified exceptions, received these pensions; and the same subsequent fit of economy which deprived them of that boon also took it away from the dockyard artificers. In point of fact, a labourer was only a less skilled species of artificer,

THE RED RIVER SETTLEMENT.

QUESTION.

Mr. CAIRD said, he wished to put a question to the Under Secretary of State for the Colonies relative to the British Territory on the Red River and the Assiniboine. He remarked that the statements which he made on a former occasion about that territory, and which were contradicted then by the right hon. Member for Coventry (Mr. Ellice), had been entirely confirmed by the report of local investigations since received. There could be no doubt that in those regions there was an extensive territory, one of great fertility, and perfectly adapted for colonization. He would ask whether the Government had yet come to any decision with a view to the opening of that territory to settlement and colonization?

CLAIMS ON CHINA—QUESTION.

Mr. GREGSON said, he would beg to ask Mr. Chancellor of the Exchequer, if the Two Millions of Taels on account of losses sustained by British subjects, and the further sum of Two Millions of Taels on account of the expenses of the War, as stipulated for by the Treaty of Tien-tsin, be in the course of payment; and, to call the attention of Mr. Chancellor of the Exchequer to the increased ability of China to pay a pecuniary indemnity? The tael represented about 6s. 8d. and consequently the amount claimed by the merchants amounted to £670,000. A like sum of £670,000 was claimed by the Government, making together £1,340,000. He was quite aware that the treaty had not been ratified, but he wished to know if arrangements were in progress for the payment of British subjects who had suffered losses in China. It was rumoured that the French had received some portion of their claims, and that the Americans, by an arrangement, had obtained the whole of their claims; and really some specific arrangement should be made with regard to the payment of the amount claimed by the British merchants and Government. A much better arrangement was made in 1842, when it was agreed that the payments should be made within a specific time. He hoped the Government would be able to tell him that instructions were given to the Earl of Elgin to make a specific arrangement for the payment of the money. The Chinese were capable of paying the money, and if authority were given to the Earl of Elgin he would be able to

collect the whole amount. The amount now claimed was much smaller than the amount of the claim on the former occasion, and they should take care of themselves, and see that some portion of the funds was appropriated to them by the Chinese Government. The Chinese Government were in a better position now than ever to pay any claims made upon them.

THE CHANCELLOR OF THE EXCHEQUER said, he was afraid he could not give the hon. Gentleman a satisfactory answer. The sums to which the question related were not in course of payment, and no portion of them had been obtained. The French, under their treaty, had already received at least one instalment of between £300,000 and £400,000 on account of their expenditure during the last Chinese war, but England had received nothing whatever, because, although there was a stipulation contained in the treaty for the payment of the money, yet there were no particulars of time, or place, or means by which it was to be paid, and therefore no valid claim had arisen. The suggestion that the money might be taken out of customs received by the British agents was a matter for the consideration of his noble Friend the Foreign Minister, and so likewise were the instructions which might be sent to the Earl of Elgin. All he could say was that in the ultimatum sent out to Mr. Bruce this payment was included, but, as they knew, that ultimatum had been rejected. He did not like to form any very sanguine estimate of the pecuniary or other results of the operations in China. He hoped for the best, and trusted that we might soon arrive at some final settlement.

The law of chaos and confusion which regulated their debates on a Friday evening entitled him to turn to the subject of the Superannuation Act, with respect to which he might say that the case of the dockyard labourers had never been reported to the Treasury, and the Treasury therefore had taken no proceedings with respect to it. The Admiralty had been asked for a statement of the classes of persons who would be brought within the operation of the system of superannuation, in consequence of the new Act, but the official answer had not yet been received. What he had to say, therefore, was merely of the nature of cursory remark. The hon. Member for Stamford seemed to think that the Treasury should proceed in the administration of the Act, not upon the law as it stood, but upon the intentions which were

entertained by himself or others at the time of the passing of the Act, whether the law had given effect to them or not. Now, the law had laid down the condition that no person was entitled to superannuation unless he had a certificate from the Civil Service Commissioners, and the hon. Member for Stamford contended that certain labourers in the dockyards ought to receive certificates from the Civil Service Commissioners, in order that they might thereby become entitled to superannuation. But in the Superannuation Act the most incongruous subjects were mixed up together. The question of having a certificate from the Civil Service Commissioners had nothing to do with the right to superannuation. A temporary clerk might be subjected to an examination by the Commissioners, but he had no title to superannuation; while, on the other hand, certain artificers and labourers might justly be entitled to superannuation, though not bound to undergo an examination. For his own part, he could not see the propriety of making use of the Civil Service Commissioners for the purpose of ascertaining the ages and state of health of the labourers who were employed in our dockyards in the performance of mere manual labour; nor could he at all assent to the doctrine laid down by his hon. Friend to the effect that the position of those labourers and the letter-carriers ought to be regarded in the same light, inasmuch while the former were mere labourers and nothing else, the latter were very frequently called upon in the pursuit of their avocations for the display of a ready and offhand intelligence. His hon. Friend had also observed that there were in our dockyards different classes of labourers, all receiving the market price for their labour, and had contended that a distinction should be drawn between those classes, by means of which one portion of the men should continue to receive the market price of their labour, while another portion should, in addition, be entitled to a retiring pension. The House would, however, at once perceive that if the Government were to act on any such principle as that which his hon. Friend advocated without the authority of Parliament they would justly be open to the charge of having acted in the matter with undue precipitancy. The case of artisans in our dockyards stood, he might add, on quite a different footing, inasmuch as their engagement was of a permanent nature, and they were not enabled to take advantage of passing events;

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for instance, as the Russian war, to sell their labour in the dearest market. He should not on the present occasion enter more into detail on the subject, but should content himself with having made those few general observations.

JAMAICA LUNATIC ASYLUM.

QUESTION.

MR. CLIFFORD said, he would beg to ask the Under Secretary of State for the Colonies, if it is the intention of the Government to take any further measures for the appointment of a Commission to inquire into the condition and management of the Public Lunatic Asylum at Kingston in the Island of Jamaica? Various abuses connected with the building, its want of accommodation, conveniences, cleanliness, ventilation, and proper separation of the sexes, had been discovered by Dr. Bowring, a physician, practising in the island, and laid before the Government; who, however, declined to appoint a tribunal for their investigation.

MR. CHICHESTER FORTESCUE said, that the subject of the lunatic asylum in Jamaica deserved and had received full inquiry. The Colonial Office had done all they could to remedy the evils complained of, but he must remind the House that the institution was in Jamaica and not in England. The Government had not felt warranted in asking the assent of the House either to the sum of money or to the Act of Parliament which would be required before a Commission of inquiry could be sent out to Jamaica. They were unwilling to take any course which could be considered offensive to the colonial Government or to the Legislature; and all they had done was to endeavour, by the influence of the Secretary of State, and of a very able governor, to have inquiry made into those abuses, with a view to their being remedied. All the information which the Government had obtained had been forwarded to the Commissioners of Lunacy, who, with the Earl of Shaftesbury, had interested themselves in the matter.

With reference to the question which had been asked in relation to the Red River territory, he was bound to express his opinion that over a great portion of their territory the jurisdiction of the Hudson's Bay Company had proved of incalculable advantage. Communications had passed between the Colonial Office and the company, which showed that the expectations of colonization on a large scale, which

by some had been entertained, were as yet premature. The district, however, was very favourably situated for the purpose, and, doubtless, in the course of time a large settlement would take place. The Session was now too far advanced for the introduction of any Bill; but he hoped that during the recess some understanding would be arrived at, which next year might be made the foundation of a satisfactory measure.

THE REVISED ARMY LISTS.

QUESTION.

COLONEL LINDSAY said, he would beg to ask the Secretary of State for War, if any decision has been arrived at with respect to the Colonels promoted to that rank for distinguished service in the Crimea, who were, upon the revision of the Lists by the Commissioners of 1858, unfortunately omitted from consideration in the Report of that Commission? On a former occasion he had called the attention of the right hon. Gentleman the Secretary of State for War to this question, and was told that some technical difficulties surrounded it, but that if he could propose any plan by which these would be obviated it would receive favourable consideration. Accordingly some two months ago he brought certain plans under the consideration of the right hon. Gentleman. The proposal which he ventured to make might be regarded as opposed to the rules of the service, and as forming a precedent; but where justice was to be done, he thought the Government would be only acting properly in establishing a precedent which would only be followed where the circumstances were exactly parallel. Most of these officers had been very unfortunately placed. They were abroad in India at the time of the revision, and could not, therefore, defend their claims. The consequence was that while they were serving their country abroad their country was doing them an injustice at home. He wished to ask the right hon. Gentleman whether he had come to any decision as to the alternatives laid before him, one of which he knew the right hon. Gentleman was very anxious to adopt.

THE ENFIELD RIFLES.—QUESTION.

COLONEL DICKSON said, he rose to ask the Secretary of State for War, Whether it is proposed, and by whose advice, to

shorten the stocks of all the Rifles in course of manufacture at Enfield one inch? He had recently inspected the rifle manufactory at Enfield, and he could bear his decided testimony to the admirable manner in which that establishment, in all its branches, was conducted. Not less than 1,000 excellent rifles were made there weekly, at a cost of only £2 1s. 3d. each; and so extensive was the machinery employed for that purpose that it took 1,800 men to superintend its working. He was afraid, however, that the proposed shortening of the stocks of the rifles would necessitate costly alterations in the machinery.

MR. SIDNEY HERBERT: I am glad to find that the hon. and gallant Officer (Colonel Dickson) has inspected the factory at Enfield, and I wish other Members of Parliament would do the same. I do not believe there is another establishment in the country where the machinery is so complete and where the system works so admirably. The expediency of shortening the stock of the Enfield rifle was raised by the Small Arms Committee. The question was submitted to the head of the Enfield factory and to General Hay, and it was decided that in the proportion of six to four there should be issued to every regiment so many muskets with short stocks and so many with long, so that there should be rifles to suit the different stature of different men. I do not believe it will necessitate any particular change in the machinery. The main object is that every man should get a rifle to fit his shoulder well. We have consulted eighty-seven regiments, and there is a great preponderance of authority in favour of issuing rifles of different lengths.

With regard to the question of the gallant Member for Wigan (Colonel Lindsay) I have submitted the two plans to the Commander-in-Chief, and I have had some communication with him on the subject, but he has not come to any decision. I believe he thinks there will be a great difficulty as regards the rest of the army in adopting either of the proposals made. That is a subject on which he is a good judge, and I should be disposed to be guided by his opinion when it comes before me.

With regard to the question put to me by the gallant Member for Chatham (Sir Frederic Smith) in reference to the Report of the Committee on Military Organization, the Report is before the House, but the evidence is not produced at present. As

soon as I have that evidence before me it will be my duty to lay it before the Government, with a view to considering what changes ought to be made in the administration of the army. When I was examined before the Committee I expressed a very strong opinion that there ought to be a greater infusion of the military element in the administration of the army. I felt that the army is necessarily jealous of being exclusively managed by civilians, and that in carrying on the business of the War Office we had not a sufficient number of officers to whom we could refer with respect to the regulations of the army. When the proper time comes I shall draw the attention of the Government to the subject, but I cannot undertake to make any proposal on the matter this Session. My hands are full enough already, but next Session I hope to be able to propose some changes which will add to the efficiency of the army.

COLONEL KNOX said, there was a strong feeling in the army with respect to the affairs at the War Office being so largely conducted by civilians, and he was happy to hear the declaration that had been made by the right hon. Gentleman on that subject. It would give great satisfaction to the army, and a larger infusion of the military element into the War Office would be received with great gratification.

CROWN PROSECUTORS (IRELAND).

QUESTION.

MR. GEORGE said, he would beg to ask Mr. Attorney General for Ireland, Whether he is aware that Mr. George Keogh, who has been lately appointed Crown Prosecutor for the county of Meath, continues to act as Registration Agent for the Liberal interest in the city of Dublin, and that he also acts as Solicitor to the Wicklow Liberal Registry Association; whether any general rule exists on the subject of Crown Prosecutors interfering in politics, and whether that rule will be enforced in the case of Mr. Keogh; and, if no such rule exists, whether such interference in political matters by a party holding the responsible office of Crown Prosecutor meets with the approbation of the Attorney General?

MR. DEASY said, that when he appointed the gentleman to whom the question referred, he was aware that he had acted as registration agent for the Liberal party in Dublin and the county of Wicklow,

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but he did not know whether Mr. Keogh intended to continue to act in that capacity, and he had not imposed any special condition on the subject. Mr. Keogh had since communicated to him that he was ready to conform to any rule or special order which he might make. He was not aware that any general rule or practice existed. He had heard of Sessional Crown Solicitors acting as election agents in the counties in which they officiated. He did not think they ought to do so. Whether any restriction should be placed on their professional services in other counties was worthy of consideration, but he did not wish to give a specific pledge on the subject. His own experience having been short he would inquire what had been the practice of previous Attorney Generals, and take care that any rule which he might make should be applied to Mr. Keogh. He should make no exception in his favour, but he was sure the hon. Gentleman would not wish that any exception should be made against him.

FORTIFICATIONS BILL.

REPORT. FIRST READING.

MR. MASSEY brought up the Report of the Resolution which was agreed to in Committee yesterday, on the subject of fortifications.

ADMIRAL WALCOTT: I do not rise with any intention of offering opposition to the reception of the Report. My object is simply to reiterate the conviction which is universally prevalent and accepted as irresistible, that the British Navy forms the first line of defence which England professes in case any foreign Power should have the hardihood to attempt a descent upon its shores. Such a design could never be entertained by any nation whose resources did not rise far above a parity with our own. The first step—one indispensable—to secure a prospect of success must be the complete annihilation of our fleet. Should the vessels engaged on either side be crippled in an engagement, to whichever of the combatants the better issue of the battle should fall, both fleets would be compelled to return to harbour to be refitted. Even under these conditions it would be possible for an enemy to cross the Channel with the steamers and transports on board of which his troops were embarked. It therefore appears to me to be a paramount necessity on our part, as a simple provision of precaution, to have in reserve a flotilla

of steamgun and mortarboats, as a second line of defence, supported by a strong division of steamrams. I should propose that the length of the latter vessels should be 200 feet, instead of 380 feet, the size of the *Warrior*—thus enabling them to be handled with greater ease and promptitude. They should carry a broadside of 18 guns and command a speed of 10 to 14 knots an hour, in order to afford a ready protection and assistance to the smaller vessels, which should be disposed in numbers sufficient to defend every vulnerable point along our shores and every spot practicable for a hostile landing. Such is the obvious system for a complete and practical defence against an invading force. And the recommendation gathers force from the consideration that in order to maintain our vast commerce there was not a sea on which a ship could float where the British colours were not displayed; and that independently of our widely scattered Colonies and numerous dependencies, each of which demanded the presence of our navy. In the outlay of money designed for sea defences or land fortifications this protection of our country and its settlements must form a paramount object. Let me guard myself against any misconception. I by no means would be supposed to underrate the importance of keeping up or strengthening our defences by land. To neglect them would be an act as criminal as to count too curiously for the purpose of a misplaced economy, or of resisting the expenditure, the outlay which must be indispensable to secure their efficiency. Hon. Members have expressed an apprehension that the estimated cost of £12,000,000 may be doubled. Even if I grant that their opinions are well grounded, I must remind them that the premium is small indeed in comparison with the insurance for our security which it will effect. Should our naval arsenals and dockyards, the cradle of our fleets and armies, be left without a sufficient protection, in what manner and in what place—upon the presumption of a reverse at sea—could we hope, or rather be able to repair or replace a crippled navy? If an enemy can once force his way through those wooden walls which have for centuries formed the impregnable outworks and floating bulwarks of this country, and been at once the admiration and envy of every antagonist, let me ask to what source of protection we are to look? Never could I persuade myself that either an enemy will

venture upon an attempt to land upon these shores, or should he make the endeavour, that the event would be other than a summary failure or complete annihilation on his part. But even if my assurance is groundless; if I allow, but for a moment, the improbable—nay, Sir, may I not truly say, the impossible contingency, that the British Navy could lose its ancient reputation and lower its proud flag—and, with equal argument I might suppose that the British Army would suffer itself to be overpowered and surrender its time-honoured name—I foresee an event which cannot prove untrue.

Let us be backed with God, and with the seas,
Which He hath given for fence impregnable,
And with their helps only defend ourselves:
In them and in ourselves our safety lies.

The population of this country has armed itself calmly, deliberately, in no moment of hot panie, it has resolved that as England never did, so it never shall, lie at the proud foot of a conqueror. Our watchword, *Pro aris et focis*, loyalty to our Sovereign, our homes, our country, will lend a giant's strength to even the stripling's arm. Defence, not defiance, is the spirit that animates England at this moment; the foe-man may land, but not one will return to tell the tale; we shall be true to ourselves, but our trust lies in the heartstirring words, "May God defend the right!"

Mr. W. WILLIAMS said, that if there were but the most remote danger of an invasion being successful he would be the first man to support the Vote, but he believed that our means of defence were now such, that if the whole world were in arms against us, an invasion would be hopeless. The Emperor of the French had shown in his letter that his army, deducting the men in Algeria, Rome, and China, was little more than 300,000 men. By a return dated the 1st of June, he found that we had an actual force under arms of 323,000 men. An addition of 10,000 more riflemen of the Irish constabulary, of the Militia, and of the dockyard battalions, in all 80,000, must be made, and that gave a force of not less than 400,000 men. It would be perfectly impossible for 100,000 French soldiers to land in England if the British Navy were in an efficient state, and if it were not sufficient to protect the shores of England he should be ready to increase its force. The worst of all these fortifications was, that it would end in a vast increase to the standing army to man them, and, believing that if the whole French

army were to land here the male population of the country would surely defeat it, he could not support the proposition of the Government.

SIR JOHN PAKINGTON said, he would not enter into the question of the wisdom of the Government proposals respecting fortifications, though he would gladly give them his support, as he considered them wise and proper. Before proceeding to the subject to which he wished to call the attention of the Government, he would make a few observations on the mode of conducting the business of the House. It was the clear understanding that the order of business on the paper of the House should be adhered to, and yet the Report on Fortifications, which was the third order on the paper, was made the first business. That was not the usual course of proceeding, though there might be in the present instance some good reason for it.

He would now advert to two suggestions to which he wished to draw the attention of the Government. He was disposed to think that the arrangements necessary for carrying out the proposed fortifications must involve a very considerable addition of barrack accommodation and of available space in the arsenals, and he ventured to think that the Government could do nothing more tending to increase the efficiency of the naval service than by establishing naval barracks and naval prisons. Nothing was more important than to improve the discipline of the navy, for it was not what the country and naval officers wished it to be. He believed that for the improvement of naval organization no object was more desirable than to provide the means of giving the sailors barrack accommodation on shore, whereby the discipline of the navy might be maintained, and a gradual approach might be made to what was called a standing navy. He was supported in this opinion by naval officers and he hoped the suggestion would receive the attention of the Government.

The other suggestion he had to make was, that there ought be naval prisons as there were army prisons. One result of the recent concessions made with respect to the punishment of sailors was that, as corporal punishment was so much done away with the imprisonment of sailors was increased. Now, there were no places in which to imprison them, except the common gaols of the country. Sailors were consequently sent to the county prisons,

Mr. W. Williams

and there exposed to association with, and contamination by, all the felons inhabiting those prisons, the inevitable result being that they came out worse characters than they went in. He read the other day a statement perfectly startling respecting the proportion of the crews of the present Channel Fleet who from various causes had passed through the county prisons of England. He had heard the right hon. Gentleman the Secretary for War state that the barrack accommodation for soldiers was far short of what the army required; but in respect to fortifications, the fortifications could not be made without casemated barracks, and thereby the barrack accommodation would be increased, and whatever might be the case under the pressure of war, in ordinary times some amount of barrack accommodation would be set free. Of course, any barracks for the accommodation of sailors must be near the sea, and he asked the Government to take into their serious consideration whether the establishment of naval barracks and naval prisons would not afford facilities for improving the character and efficiency of the navy.

LORD CLARENCE PAGET said, he entirely concurred with the right hon. Gentleman in regard to both the matters referred to; and it was with the view of establishing some naval prison that the Admiralty had called for returns of the number of seamen imprisoned in various county gaols for some time past. Therefore the Admiralty had not lost sight of this very important matter; but with respect to barracks, he must remind the House of some observations he made on this subject about two years ago, when the right hon. Gentleman was First Lord of the Admiralty. He then suggested that the barrack system should be tried on a small scale. It was true that there were conflicting opinions among naval officers with respect to naval barracks; some holding that they would not suit the habits of sailors, who would rather, it was said, prefer the hulks. He did not agree in that opinion, but believed it would be advantageous to have naval barracks established at the naval ports. He had said to his right hon. Friend, "Try it on a small scale. You have plenty of barracks contiguous to dockyards, and you may give the scheme a trial there." In reply to this, the War Secretary declared that they were borrowing hulks from the navy, because they had not barrack accommodation for the troops; but he still could not

help being surprised that his right hon. Friend, while at the Admiralty, did not attempt to effect these improvements.

SIR JOHN PAKINGTON: The fortifications were not going to be made when I was in office.

SIR MICHAEL SEYMOUR expressed his concurrence in the suggestion which had been made for the establishment of naval barracks and naval prisons. The imprisonment of seamen in the county gaols had been found exceedingly detrimental to naval discipline.

SIR JAMES ELPHINSTONE said, the sea defences recommended were a matter of immediate necessity; but the land works required great consideration before they were proceeded with. He thought, especially, that, in the present state of knowledge as to fortifications, the works on Portsdown-hill ought not to be at once carried on. In reference to some of the other fortifications at Portsmouth, he would mention that, in case of a siege, the water works would be beyond the lines of defence. It was said that in the event of a siege the inhabitants might obtain a supply from the wells; but all the shallow wells were brackish, and the water would be sure to engender sickness. Then, again, in the case of a bombardment, the value of the works in throwing water all over the dockyard, and in thus keeping down any fires that might break out, ought not to be overlooked. Moreover, the old fortifications, though useless, were to be kept up; although they would be, when the new fortifications were completed, much in the way. He thought that it was prudent that the railway should be carried down to the pier so as to facilitate communication with the Isle of Wight. With regard to the present system of lodging men in hulks, nothing could be more barbarous. These hulks were cold and miserable, there was no proper police on board, the men were suffering often from rheumatism and sickness, and were driven to the public houses, and it was altogether a most demoralizing system. There were barracks at Sheerness, and the men were better satisfied and better conducted than at other places. Sir H. Douglas's opinion was, that the land fortifications were too extensive for our force to man them; which opinion was supported not only by Sir Frederic Smith, but, he believed, by Sir John Burgoyne. Under these circumstances, he thought that further time should be taken for consideration whether, in the event of an invasion,

it would not be possible to transport from the interior of the country to the coast a body of workmen who could, in the course of a few hours, throw up defences that it would take weeks, if not months, to overcome.

"That it is the opinion of this Committee that, towards providing for the Construction of Works for the Defence of the Royal Dockyards and Arsenals, and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum not exceeding two million pounds, be charged upon the Consolidated Fund of the United Kingdom, and that the Commissioners of Her Majesty's Treasury be authorized and empowered to raise the said sum by Annuities for a term not exceeding thirty years; and that such Annuities shall be charged upon and be payable out of the said Consolidated Fund."

Resolution agreed to.

Bill *ordered* to be brought in by Viscount PALMERSTON, Sir GEORGE LEWIS, and Mr. SECRETARY HERBERT.

Bill *presented*, and read 1^o; to be read 2^o on *Thursday* next, and to be *printed* [Bill 308].

SUPPLY—CIVIL SERVICE ESTIMATES. COMMITTEE.

Order for Committee read.

VISCOUNT PALMERSTON said, he hoped that the House would allow them to go into Committee at once, and he should propose that they should only take the Vote which had been partly discussed in the morning. It would be impossible to do more; and hon. Gentlemen who had Motions on the Paper would perhaps at that hour (half-past eleven) think that it was too late to discuss those Motions with satisfaction to themselves.

House in Committee.

MR. MASSEY in the Chair.

Question again proposed,

"That a sum not exceeding £39,597, be granted to Her Majesty, to defray the Charge for Works and Expenses at the New Houses of Parliament, to the 31st day of March, 1861."

MR. AUGUSTUS SMITH complained that the Vote was not prepared in a more business-like form; and he proceeded to criticise some of the details of it. There was a large sum amounting to several thousand pounds for the purchase of land, mixed up with the ordinary expenses for gas, and coal, and other things for the two Houses of Parliament. He would next advert to the "balances in the Exchequer," a matter which had been previously referred to. The Vote under this head last

year was £58,000, but not a shilling of this had been spent, and, therefore, there was now in hand nearly £90,000 to meet an estimated expenditure of about £40,000. The right hon. Baronet the Home Secretary had told them that the Government could not spend more than the total sum voted for the year; but it was doubtful whether the right hon. Baronet, notwithstanding the attention he had paid to the question as a member of the Committee on Public Moneys, really understood the rule in regard to the balances which remained in the Exchequer. He wished distinctly to understand whether the Government, although asking for a new Vote of £39,000, actually had at their command the whole of the £58,000 voted last year.

MR. EDWIN JAMES said, he wished to direct attention to the estimate of £800 a piece for statues of the British Sovereigns, in a series, to be placed in various parts of the Palace of Westminster. He also wished to ask the First Commissioner of Works what chronological period the series was to embrace? Was it to begin with the Norman conquest, or did they intend to go back to King Arthur? It was proposed that commissions should first be given for two of these statues. What were the two statues to be commissioned, and by whom were they to be executed? At the morning sitting the hon. Member for Lambeth (Mr. W. Williams) had raised the question whether, among the series of British Sovereigns, there was to be a statue to Oliver Cromwell. The right hon. Gentleman the First Commissioner did not give a distinct answer to that question, but he was understood to say that a certain Commission of the Fine Arts had recommended that there ought not to be a statue to Cromwell. He thought that that was the proper time to discuss this question before they embarked upon a large expenditure for statues of British Sovereigns; and, therefore, he wished to know whether Oliver Cromwell was to be included in that series. That was a question not only of art, but of a sentiment in the English mind. He thought there should be a statue of Oliver Cromwell. Whether it should be placed between Charles I. and Charles II. was a matter of taste. For his own part, he (Mr. James) thought, if it stood alone in solitary grandeur, it would be regarded as superior to all the Sovereigns. Unless he obtained a distinct reply, he should move to reduce the vote by £1,600.

SIR GEORGE BOWYER said, he would

Mr. Augustus Smith

not enter into an historical disquisition about Oliver Cromwell, who was undoubtedly a man of talent and genius, who did much to raise the power of this country, but, it must be remembered, that he was also a great tyrant. How any Gentleman, who prided himself on professing Liberal opinions, could praise Oliver Cromwell was most astonishing. What had he done? He had said "Take away that bauble." He had taken away that "bauble," shut up the House of Commons, and governed England by means of majors-general. Oliver Cromwell cut off the head of his Sovereign Charles I. because he said the King had betrayed the liberties of his country; but did Charles I. ever do anything against the liberties of the country compared with the act of Oliver Cromwell in shutting up the House of Commons? He cut off the King's head because it was necessary to gratify his own ambition. He (Sir George Bowyer) said that Oliver Cromwell was a murderer, and if a statue of that man was placed in that building, it could only be regarded as a declaration against monarchical principle. He would be sorry to see in that House the statue of a man who murdered his Sovereign, and destroyed the Constitution.

MR. CAVENDISH BENTINCK said, he rose to call attention to an item of £4,000 for decorating the Palace of Westminster, respecting which he desired explanations. He found that Mr. Maclise was employed to execute paintings in fresco for £5,300. The amount already voted was £2,500; less than that sum had been expended, and yet now £1,000 more was asked. Then for the Peers' corridor the estimate of works to be done was £4,800. The amount already voted was £3,000, the amount expended was only £1,800, and yet now the Committee was asked for £600 more on account. For the Commons' corridor there were votes somewhat similar. He thought these and other facts showed that the Fine Arts' Commission had money enough in hand, and he would give three instances of the evils resulting from allowing them to have money on account. In 1848 the Fine Arts' Commission entered into an agreement with Mr. Dyce to paint a work in fresco for the Queen's robing-room, for which he was to be paid £800 a year for six years, making altogether £4,800. That contract expired in 1854, but an additional year's time and a further sum of £600 were granted. Mr. Dyce, according to the Estimates, had been voted

£5,400, but where was the fresco? And yet that gentleman had in the meantime executed a very important work for a church in Margaret Street. He did not wish to make any charge against Mr. Dyce, but he did think it was Mr. Dyce's duty to execute the frescoes entrusted to him by the Government before he entered upon any other work. No private individual would dream of paying for work before it was done. What difference, then, ought there to be made in the payments by the nation? But he found upon examining the Report of the Fine Arts Commission, that they had a sort of suspicion that all was not right, for they made observations on Mr. Dyce, saying that he had not done his work, and they hoped he would. Then, again, Mr. Herbert was to paint frescoes for the Peers' robing-room, for £9,000 in nine years, ending in April, 1860; but, although Mr. Herbert had been voted £6,000, he (Mr. Cavendish Bentinck) could find no frescoes. If anything happened to Mr. Herbert, how would the nation be placed with regard to the £6,000 already paid? Mr. Maclise was to paint the Painted Chamber in ten years, for which he was to receive £9,000. In 1855 a Vote of £1,500 on account was taken, but Mr. Maclise became dissatisfied, and requested that the contract should be cancelled, which was done, and the £1,500 applied to painting certain "signs," called the "Tudor portraits," in the Painted Chamber, of which there were twenty-eight, and for which £70 each was paid. The House ought to be told under what authority money voted for one purpose had thus been applied to another. These "Tudor portraits" were the universal derision of every one connected with art. They were not the work of any painter, but were executed by the Kensington Museum—by the Head of the School of Design and his pupils—the head being taken from one portrait, the legs from another, and the coat from a third; a *pasticcio*, in fact, from different authorities, and fitted in to suit the absurd mediæval decoration of that chamber. The Commons' corridor was to be painted by Mr. Ward, and the Peers' corridor by Mr. Cope. There were eight compartments in each corridor. By the original contract Mr. Ward was to paint eight oil pictures, at £450 each. In 1857 the Commission determined to change the pictures from oil paintings to frescoes, and that was accomplished by the payment of £600 a piece instead of £450, and by allowing Mr. Ward to retain the first oil-paint-

ing executed for his own benefit. The result was that there were now only three frescoes in each corridor, which was equal to £1,800. The amount already voted to Mr. Ward was £3,600, and a further sum of £600 was now asked. He did not, however, believe that either Mr. Ward or any other man could paint three frescoes between this and next year. Mr. Cope had painted three frescoes for the Lords' corridor, for which £1,800 had been expended, but the Fine Arts Commission had already got £3,000 for this corridor, and they ought to be satisfied with the money they still had in hand, without asking for £600 more. With regard to the Vote for the statues of British Sovereigns, it was desirable the House should have some information as to the manner in which they were to be erected. For himself, he was fearful lest they might repeat those mediæval, dreadful objects now in the House of Lords. He was not prepared to state what those black gentlemen cost, but he believed it was £4,000, and anything more detestable in art could not be conceived. He trusted that the right hon. Gentleman the First Commissioner of Works would tell the Committee that the statues should be erected by the best British artists in the best manner.

MR. CONINGHAM said, he believed that the Commission of Fine Arts was at the bottom of all this jobbing in the fine arts. The Commission had done no good, and the sooner it was abolished the better. Oliver Cromwell was a great man, and the memory of our great men was a sacred inheritance. To treat him as a tyrant and impostor was, he had thought, a symptom of a bygone period. A literary man of celebrity had recently collected his letters and written a sketch of his life, and it was thought, had rescued his fame from those who had calumniated him. As Lord Protector, England never had a greater or more powerful ruler than the man who had extended his protecting hand to our co-religionists on the Continent. The hon. Gentleman who had contended that Oliver Cromwell ought not to have a statue, was an ardent admirer and defender of the paternal Government that prevailed in the Eternal City. [Sir GEORGE BOWYER: Hear, hear!] That hon. Gentleman was the champion of the most execrable system of Government that now prevailed on the face of the earth, except, perhaps, that of Naples. He trusted that the insurrection that had broken out in Sicily would spread

to the mainland, and that an end would be put to the system of Government now prevailing in Naples.

MR. NEWDEGATE remarked, that Oliver Cromwell was not a Sovereign, and no such office as Lord Protector was known to the laws of England. He had been looking to the statutes of the Parliament of Oliver Cromwell, and he found that the oath of allegiance was abolished, and the oath ordered to be taken by any freeman admitted to his freedom was that he would be "faithful to the Commonwealth." An ancestor of his had been legal adviser to General Monk, and he was of opinion that Oliver Cromwell never had been legally, properly, or in any sense Sovereign of this country. He had been head of the Commonwealth, and he trusted that his statue would not be placed among those of British Sovereigns. Let his statue be placed elsewhere, among those of the very greatest men that England had ever possessed; but there were many considerations that rendered it highly improper to place his statue among the crowned heads.

MR. COWPER said, he hoped that on the 3rd of August, and at that hour (midnight), the House would not enter into a discussion upon Oliver Cromwell. The Fine Arts' Commission had recommended that certain portions of the building should contain statues of the Sovereigns of this country. The Report of the Commission did not, however, give a list of them; and different opinions had been expressed as to whether Oliver Cromwell was to be reckoned to have been during his supreme rule one of the Sovereigns of this country. The question did not, however, press for a decision, because the proposition of the Fine Arts' Commission was that the artists should begin with the later Sovereigns, William IV. and George IV., and go backwards. Proceeding in that manner, at the rate of two Sovereigns a year, a considerable time would elapse before they reached the Commonwealth. The artists who were to execute these statues were Mr. Thornycroft and Mr. Theed. The Fine Arts' Commission was composed of men whose names would carry the greatest weight on such subjects; and upon their recommendations this Vote was framed. It was usual for private individuals, who gave commissions to painters, to pay them a sum of money at the commencement of their work, and another sum at its conclusion. This enabled them to obtain their pictures for a less amount than if they

made no such advance. A similar rule had been adopted by the Fine Arts Commission; their practice being to give the artist a sum of money when the cartoon was completed, and before the painting was executed on the wall. Mr. Herbert was to receive £6,000 for four pictures which he had in hand. He had already received £3,500; and, although he had executed very little on the wall, he had given three or four years of intense labour to the composition of these works, and had produced very noble cartoons, which were of themselves worth all the money. They could not deal with men of artistic genius, who threw their whole souls into their work, as with a contractor for a building, who was limited in respect to the time in which he should finish his contract. Mr. Herbert had devoted himself exclusively to these Pictures, and had refused other orders, being anxious to produce something which should be worthy of the place in which it was to be put, and hand his name down to posterity. To tie him down, therefore, as to the time, would be to deprive themselves of the benefit of his sustained thought and study. So, again, with Mr. Maclise, who, though perhaps he had not advanced quite so rapidly in his work as might have been anticipated, had yet bestowed immense labour upon it, and was executing paintings that would uphold his great reputation. Mr. Dyce might not have devoted himself to his work so exclusively as Mr. Herbert and Mr. Maclise; but he also had finished his cartoon, which was the result of great labour and skill. With regard to the Tudor portraits, they might be obnoxious to those who were exclusively devoted to the Classic period; but they had been copied very carefully from valuable originals; and their production had been useful in forming a school of young artists, whom it was desirable to accustom to minute and faithful drawing. With regard to the state of the cash balance, to which an hon. Member (Mr. A. Smith) had referred, there was, on the 31st of March, 1859, £96,000 in the Exchequer, and taking, also, what was in the Paymaster-general and Sub-accountant's hands, that gave £107,000 standing to the credit of the new Houses of Parliament. The important thing was to know how far the balance was available. It was clearly available for the purposes to which it was devoted; and it would lead to the greatest irregularity and confusion in the accounts, if the residue of the Vote of last

year were mixed up with the present vote. The right course was to pay over any unexpended sum to the Consolidated Fund. He thought it very convenient to have placed under a single head all the various items of expenditure upon the Houses of Parliament. During the first year of his term of office, the present Speaker lived in his own house, to which his own stables were attached. It was only lately that the official residence had been occupied by that right hon. Gentleman; and that it became necessary to provide stables for him. That arrangement was desirable on the score of economy, and it was proposed to purchase a site for the purpose in the neighbourhood of the House. He did not think the House would consider the sum placed in the Estimates too high for a site in that neighbourhood, where sites were very expensive. Due economy would be observed in the erection of the stable; and he would be prepared afterwards to give a detailed account of the expenditure.

MR. RIDLEY said, that as regarded the items for portraits of British Sovereigns, he hoped that if they were to proceed, they would begin at that period of our history when the Sovereigns engaged by statutes to defend the rights of their subjects, and he believed that the fresco on which Mr. Herbert was engaged would exceed in merit any we had ever seen in Italy.

MR. SPOONER said, he thought it was time they came to a vote. He should therefore move that the £4,000 for divers works be totally omitted. They had already spent too much money about the lobbies of that House, and among the items included in the Vote he would reduce was the sum of £1,600 for statues. He could by no means give his consent to enter upon a new course of expenditure, which he considered this to be. Another item was the two sums of £600 for what was going on in the corridors.

MR. KINNAIRD said, that the Vote should be taken first upon the first item of the £1,600 for the two statues of William IV. and George IV.

MR. GREGORY said, he would certainly Vote for the reduction. Had it been proposed to commence with our early monarchs, some scope might have been given to the fancy and genius of the artist, but with all his loyalty to the House of Brunswick, he must protest against pigtailed and pigtail statues. He trusted they would not continue encumbering the corridors of

Parliament with statues which had cost a great deal of money, which were no credit to the country, and which had already drawn down ridicule on the ornamentation of the House.

MR. AYRTON said, he hoped, with a view to reason, propriety, and the interests of art, that this matter would be reconsidered. So far as the wish to convert Oliver Cromwell into a Sovereign was concerned, he was afraid there was no possibility of giving it effect, inasmuch as no process of reasoning could alter the fact that he was not a Sovereign. He would further observe that, considering how much more than one of our monarchs cost us in their lifetime, £800 a piece did not seem so large a sum to expend upon erecting statues of them when dead; but before a project of that nature was sanctioned by the House, the Government ought to bring to bear upon it more intelligent consideration than it was evident they had done. Hon. Members ought to know what was to be the character of the works for which the Vote was asked—whether they were to be in the mediæval style of art; for if so he thought it would be found that the House was sick of works of that description, as represented by the miserable images which were stuck upon the walls of the House of Lords.

THE CHANCELLOR OF THE EXCHEQUER said, the Committee were very naturally alarmed at the idea of assenting to a scheme to erect statues to the very formidable number of English Sovereigns. He would admit that much consideration was desirable before they pledged themselves to so large an expenditure as would be requisite in order to carry out that object. He begged, at the same time, to remind the Committee that the effect of passing the Vote as it stood would simply be to sanction the erection of statues to two of our latest Sovereigns, and that they would not in any way be bound by taking that course to proceed with the whole series, if hereafter it should be deemed expedient to stop at a certain point. He might add, that he was assured by his right hon. Friend the First Commissioner of Works that the architectural arrangements to be made in connection with those statues would not require that more than four of them should be erected. In reply to the appeal which had been made to him to resist any further expenditure in the direction which was proposed by the Vote, he would merely observe that, while he did

not hesitate to admit that the ornamentation of the Houses of Parliament had been in many instances enormously and ludicrously overdone, yet a distinction might very properly be drawn between works of art and those which were purely of an ornamental character. As Mr. Herbert had been alluded to in the course of the discussion, he might state that he was of his own knowledge aware that that Gentleman had devoted the great bulk of his time for some years past to the collection of materials and the institution of inquiries with the view of rendering the work on which he was engaged as accurate as possible; and that he had, moreover—and no doubt something of the same kind must have occurred in the case of Mr. Dyce—left several private commissions unexecuted for the last twelve years, in consequence of the earnestness with which his attention was directed to the one great task which he had undertaken in connection with the Houses of Parliament.

MR. DANBY SEYMOUR reminded the right hon. Gentleman that the words contained in the Vote were “for the purpose of erecting statues to the British Sovereigns in series;” so that, if the present Vote were agreed to, and two statues as the result erected, the Committee would find it extremely difficult to halt in the course on which they would have entered, or to refuse their consent to Votes for the completion of the series in future years. With regard to the fresco paintings on the execution of which Mr. Herbert was employed, there could be no doubt that a good deal of time and labour had been expended upon them by that Gentleman, while Mr. Dyce had not, he thought, done so well in these respects as the House had a right to anticipate. But, be that as it might, our great painters of the present day were not, he should contend, able to complete works in fresco fit to adorn the walls of the Houses of Parliament; the fact being that those which had already been placed there had better be erased. The only fresco, indeed, executed in this country which he believed likely to last as a great work of art was that of Mr. Watts.

MR. COWPER said, that the original intention was to have statues of the whole series of English Sovereigns, beginning with Egbert and Canute. Since that proposal was made in the year 1845 the opinion of the House and the Government had changed, and it was now intended to have only four statues, one at each corner of the

Royal Gallery. Under these circumstances he should be willing to withdraw this item with the view of considering whether some selection of Sovereigns could not be made which would be generally acceptable to the House.

Motion made, and Question,

“That the item of £1,600, for Statues of British Sovereigns in series, to be placed in various parts of the interior of the Palace of Westminster, be omitted from the proposed Vote.”

Put, and agreed to.

MR. SPOONER moved the omission from the Vote of the sum of £1,200 for the Lords’ and Commons’ corridors.

MR. EDWIN JAMES said, he thought that, after the candid manner in which the right hon. Gentleman had treated the House, it would hardly be fair to reject this item. If it was agreed to, they might have a picture of Oliver Cromwell before they had a statue of George IV.

Motion made, and Question put,

“That the item of £1,200, for Fresco Paintings in the Peers’ and Commons’ Corridors, be omitted from the proposed Vote.”

The Committee *divided*:—Ayes 44; Noes 67: Majority 23.

•Original Question, as amended, again proposed,

“That a sum, not exceeding £37,997, be granted to Her Majesty, to defray the Charge for Works and Expenses at the New Houses of Parliament, to the 31st day of March, 1861.”

MR. CHILDERS said, that on the 31st of March, 1859, there was in the Exchequer a balance of £25,000 upon this Vote. There was now, in addition, the whole of last year’s Vote. He wished to know whether the Government had surrendered any part of that balance?

SIR HENRY WILLOUGHBY asked whether the accounts for the building of the Houses of Parliament were now closed and settled. He wished to know whether all the debts were paid, and, if not, the amount of those which were outstanding, distinguishing between the money which was still in the Exchequer and that which had been drawn out and issued to the Pay-office.

MR. LAING said, it was an entire mistake to suppose that because a balance remained over from one year to the other it could be applied to any purpose other than that for which it had been voted. These unexpended balances were either spent for the purpose for which they had been voted, or, according to the usual course, if it were

The Chancellor of the Exchequer

found at the end of three years that the amount was not required, it was considered as forfeited, and was surrendered back into the Exchequer. Without inquiring into the particular items, he could not undertake to state the exact sum which remained in the Exchequer, or had been issued to the Pay-office; but he was able to say generally that the whole expenditure on the Houses of Parliament had been as nearly as possible completed. The Committee appointed during the Session to investigate the accounts had recommended a very material improvement, which consisted in printing along with the Estimates the amount of the unexpended balances, and he would take care that the suggestion should be faithfully acted upon.

MR. AUGUSTUS SMITH said, the explanation of the hon. Gentleman the Secretary to the Treasury, as far as it went, was satisfactory; but he had not answered the exact question addressed to him. He found in the Estimates sums taken for particular objects last year, and other sums for similar purposes were included in this year's accounts, though not a single penny had been drawn on account of these items in the meantime. He wished to know out of what funds these amounts had been paid. £7,600 was voted last year for casual and internal repairs; only £5,000 was asked for this year, but not a single sixpence of the former amount had been drawn. In the same way £4,900 was taken last year for warming and ventilating, and £4,300 was asked for this year, though the amount voted last year remained untouched. For the supply of gas £5,000 was now required, though £5,800 granted last year was still unexpended. These sums must all have been paid out of the unexpended balances of a former year, and what he objected to was, that the Government should ask for money for the same purpose for which they already had funds in their hands.

MR. COWPER said, the Estimates were often not voted till August, though the financial year began in April, and in the interval it was requisite that the amount should be paid out of the unexpended balances of the previous year. The accounts were then got into order again by voting in the Estimate sums which had already been so paid out of those balances.

SIR JOHN SHELLEY said, he thought the question might safely be left in the hands of the Government, after the precaution which the Committee had adopted and

the assurance given by the Secretary to the Treasury.

MR. SPOONER said, he had been very much astonished to find that the cost of fuel, gas, and lighting for the House of Parliament was nearly £10,000 a year. Having applied to Mr. Goldsworthy Gurney for an explanation, he found that this outlay was not consequent on the new scheme of ventilation, but was mainly due to the quantity of fuel burnt to counteract the bad system of chimneys, by which every one of the residences connected with the House was completely spoiled. He wished to know whether it was not possible to devise some plan by which the annual consumption of £2,000 worth of fuel, merely to make a draught, might be rendered unnecessary.

MR. COWPER said, he had given much consideration to the subject, and he had asked Mr. Goldsworthy Gurney to make a Report on the best means of getting rid of the smoke. He entertained great hopes of a successful result.

MR. CHILDERS asked, out of what fund the salary of the superintendent of warming and lighting, which did not fall due till October or January, and which ought to be taken out of the Vote for the year, had been defrayed.

SIR GEORGE BOWYER asked, what was to be done with the great bell? It had been a perfect nuisance to the whole Metropolis, and he hoped would never be used again for striking the hours.

MR. MALINS said, he trusted that the bell would be kept quiet, at all events during the sitting of Parliament.

MR. COWPER said, the Bill was irretrievably cracked, and he had no proposition to make with respect to another. The quarter bells would be used in future.

Motion made, and Question put,

"That a sum, not exceeding £37,997, be granted to Her Majesty, to defray the Charge for Works and Expenses at the New Houses of Parliament, to the 31st day of March, 1861."

The Committee *divided*:—Ayes 32; Noes 60: Majority 28.

Resolved,

"That a sum, not exceeding £37,997, be granted to Her Majesty, to defray the Charge for Works and Expenses at the New Houses of Parliament to the 31st day of March, 1861."

House *resumed*.

Resolution to be reported on *Monday* next; Committee to sit again on *Monday* next.

House adjourned at a quarter before Three o'clock till Monday next.

HOUSE OF LORDS,

Monday, August 6, 1860.

MINUTES.] *Royal Assent*.—Court of Queen's Bench Act Amendment; Inclosure (No. 2); Universities and College Estates; Friendly Societies Act Amendment; Isle of Man Harbours; Dominica Hurricane Loan; Local Boards of Health, &c.; Jews Act Amendment; Census (Ireland); Census (England); Adulteration of Food or Drink; Queen's Prison; Highways (South Wales); Manchester Cathedral Church; Postage (Army and Navy); Medical Act (1853) Amendment; Highway Rates Act Continuance; Burial Grounds (Ireland) Act (1856) Amendment; Criminal Lunatic Asylum; Nuisances Removal and Diseases Prevention; Heritable Securities, &c. (Scotland); Turnpike Acts Continuance; Bank of Ireland (No. 2); Sheriff Court Houses (Scotland); Common Law Procedure (Ireland) Act (1853) Amendment; Copyhold and Inclosure Commissions, &c.; Turnpike Trusts Arrangements; Municipal Corporations (Ireland) Act Amendment; Augmentation of Small Benefices (Ireland); Infants' Marriage Act Amendment; Bleaching and Dyeing Works; Registration of Births, &c. (Scotland); Ionian Islands (Marriages).

LAND, LOAN, AND ENFRANCHISEMENT
COMPANY'S ACT (MISTAKE RECTIFYING) BILL.

RESOLUTION OF URGENCY. SECOND READING.

The Standing Orders relative to Private Bills, and also Standing Orders, Nos. 37 and 38, *considered* (according to Order) and *dispensed with*.

LORD REDESDALE moved to resolve,

"That inasmuch as the Mistake in the Number of One Section referred to in another Section which the Bill is intended to rectify would, if not remedied, render inoperative an important Provision in the Act; and such Mistake arose from an Amendment made on the Third Reading of the Bill in this House, by which Two Sections were struck out; the Circumstances which render Legislation on the Subject of the same expedient are of such recent Occurrence, the Bill having only received the Royal Assent on the 23rd Day of July last, as to render the immediate Consideration of the same necessary."

Resolution *agreed to*.

Bill read 2^a (according to Order).

Committee *negatived*.

Bill read 3^a, and *passed*, and sent to the Commons.

TENURE AND IMPROVEMENT OF LAND
(IRELAND) BILL.

REPORT OF AMENDMENTS.

Amendments *Reported* (according to order).

EARL GRANVILLE moved to insert the following Clause:—

"Every Annuity created in pursuance of this Part of this Act shall be a Charge on the Lands comprised in the Order, having, unless the Judge otherwise order, Priority over all existing and future Estates, Interests, and Incumbrances, with the Exception of Quit-rents and other Charges incident to Tenure, Tithe Commutation, Rent-charges, and any Charges created under any Act authorizing Advances of Public Money, or under any Act creating Charges in respect of Improvements on Lands and passed before this Act, with the Exception also in Cases where the Lands placed in Settlement are subject to a Fee-farm Rent or held of a superior Lordlord under a Lease reserving Rent of such Fee-farm Rent or Rent reserved as aforesaid; but the Judge shall have power to postpone the said Annuity to any Charge or Incumbrance which he shall think proper to specify in the Order."

THE MARQUESS OF WESTMEATH denounced this measure as *ex post facto* legislation of the most unjust character. It would displace the man who had lent his money upon land for valuable consideration, by putting him at the foot of the list of encumbrancers, instead of at the head of it.

VISCOUNT DUNGANNON concurred in the objections which had been taken to the Bill, which he thought uncalled for and mischievous.

EARL GRANVILLE was understood to defend the measure.

THE MARQUESS OF BATH pointed out the disadvantageous position in which the jointure holder would be placed by these provisions.

THE MARQUESS OF CLANRICARDE said, the object of the Bill being the improvement of land, its effect would naturally be to increase the value of the security of the jointure holder and all the other parties concerned. If that were not so, the measure ought not to be passed at all.

After a few words from the Earl of DONOUGHMORE and the LORD CHANCELLOR, On Question, Whether the said Clause shall be there inserted?

Their Lordships divided:—Contents 36; Not-Contents 4: Majority 32.

Clause *agreed to*.

THE MARQUESS OF WESTMEATH proposed the addition of words, in Clause 25, after the word "husbandry," to prevent the tenant from taking two white crops off the land successively. The Bill contemplated improved husbandry, and the insertion of words to that effect would tend at least to show what was not good husbandry.

THE LORD CHANCELLOR said, the

effect of the words would be to sanction every other violation of good husbandry.

On Question, *Resolved* in the *negative*.

Further Amendments made. The Bill to be read 3^d *To-morrow*.

TRAMWAYS (IRELAND) BILL.

COMMITTEE.

House in Committee (According to Order).

THE MARQUESS OF CLANRICARDE mentioned one or two alterations made in accordance with the recommendations of the Select Committee which he did not consider improvements. By one clause, when he Lord Lieutenant had authorized the abandonment of a railway, under certain circumstances, any land which the promoters might have taken should be at the disposal of the county, to be used for public roads and highways, if desirable; and if it were not desired so to use it, it was to revert to the owner. By another clause the power of taking land without the consent of the owner was limited to a depth of three feet at the side of any existing road.

After a few words from the Marquess of SALISBURY and Lord REDESDALE,

Amendments made. The Report thereof to be received on *Thursday* next.

SYRIA.—QUESTION.

THE EARL OF SHAFTESBURY said: My Lords, this morning I wrote to the noble Lord the Under Secretary of State for Foreign Affairs, intimating that I should take the liberty of putting to him a Question relative to the state of things now existing in Syria, and I forwarded a copy of the Question which I shall now read to the House:—

“Is it to be understood that the force sent to Syria on the present occasion is to be employed solely for the purpose of maintaining the peace of the country, and that the authorities in command are not to interfere directly or indirectly in the administration of the civil and religious affairs, affecting either Moslems or Christians, of the Turkish Government.”

Perhaps your Lordships will allow me to assign one or two reasons why I have thought it necessary to ask this question. I will not disguise that my desire to obtain an answer arises from the insuperable distrust I feel towards His Majesty the Emperor of the French, and from the great fear which I and others entertain that the wise and vigorous policy in the mat-

ter of religious liberty, instituted by Lord Stratford de Redcliffe through his influence over the Ottoman Porte, might be disturbed at the present moment. Your Lordships are, no doubt, aware that, acting under the influence of Lord Stratford de Redcliffe, at that time Minister at Constantinople, the Sultan made very large concessions to the Christians—and indeed to the Turks—in the matter of religious liberty; and there are now in the Turkish Empire large numbers of persons falling away from the Greek and Latin Churches, and some even from the body of Moslems. These persons, who are called Sceders, and are also known by the name of Proselytes, are acquiring very considerable influence and power; the Sultan has conferred on them very great privileges; they have a recognized status, and are considered one of the denominations under the protection of his Government. They have likewise a representative, with free access to the person of the Governor, to complain of any grievances they may experience. This has operated so largely, particularly in Constantinople, that religious liberty is making very considerable progress. I was in conversation, not long ago, with the son of a man, a converted Moslem, who has in Constantinople a large chapel where between 300 and 400 worshippers attend every Sunday, principally Mussulmans who have embraced the Christian religion. As contrasted with the old condition of Constantinople this is a considerable change. An American missionary, the Rev. Mr. Dickenson, writes;—“The Bible is sold openly in the streets and in their mosques side by side with their Koran.” There have been established in Syria a great many congregations of a similar description, and I believe your Lordships will perceive, on examination, that the Turkish Government, though weak, is not insincere, and that the Turkish Central Government does desire that reforms, and particularly religious reforms, should be carried into effect. But there is a large reactionary party—the old Mussulman party—who are, in a great measure, the authors of the present disturbances. That reactionary party must be overthrown, and must not receive any extraneous assistance arising out of the peculiar difficulties of the present time, and the agency now employed to put down those outrages. A very curious fact is this, that the Druses, although in hostility to the Maronites, are not hostile to them as Christians. They

are hostile to the Maronites as neighbours with whom for a long time they have had grievances and quarrels ; but it is a remarkable fact that the Druses show no opposition to Christians as such. Although when their blood is up and they are in conflict they do not draw distinctions between different sects, yet to the Christians, as such, they have no hostility. In proof of that I will read a letter from one of the most eminent American missionaries, who writing in February from the now famous Deir-el-Kammar, says :—

“ The Druses appear immovable, but very useful, in the Providence of God, on account of their opening the door for Christian schools, and blunting the edge of persecution. It is very difficult to effect an entrance where they do not form a portion of the population. They are the instruments of good to others, often screening Protestants and defending their doctrines.”

I am satisfied that we must do nothing and allow nothing to be done that will in any way disturb the great progress which the principle of religious liberty, and more particularly the advancement of pure Christianity, are now making through those vast regions. Depend upon it the proper solution of that great Turkish Question is this, that the people should be civilized under the operation of the Christian faith, and made qualified to carry on their own Government independent of any external pressure or assistance. But, this being my decided opinion, I do not believe that the policy which will be maintained in those regions by the Emperor of the French will be the policy inaugurated by Lord Stratford de Redcliffe; and I ground my belief entirely on the fact that we know that for many years the activity of the French agents has been singularly great. I have it upon the testimony of several gentlemen of great experience who have just come from those parts. One gentleman, who resided more than twenty years in the north of Syria, told me that the French agents in great numbers have been openly declaring that if the Mussulmans and members of the Greek Church would fall off to the Latin Church they should receive full and ample protection in person and property from His Majesty the Emperor of the French. Your Lordships must have seen six or seven months ago a remarkable account of what took place in the island of Candia, where nearly 40,000 persons fell away to the Latin Church, and it was broadly stated, and it has never been contradicted, that it was entirely owing to the solicitations and

promises of the French agents. When these promises are made so largely—when is openly said that all who fall off to the Latin Church shall receive full protection for their persons and property from the Emperor of the French, and when 6,000 French troops go alone, unattended by the troops of any other Power—when French troops appear to be the sole instrument for the maintenance of peace and order, and the only means of protecting person and property in those parts. I maintain that much is done to establish French influence in the East, and to convince the people that the French Emperor, though a unit in creation, is equal to the whole creation. The people will fall off by hundreds and by thousands to the Latin Church, and I believe a policy will be inaugurated which will lead not only to the confirmation of the French power in those parts, but, it may be, to the complete suppression—knowing how these things are done in an underhand and sinister way—of that religious liberty which is now beginning to dawn so happily in all parts of the Turkish Empire. I do not wish to express any opinion whether intervention be right or wrong. Certain it is that intervention must take place if these atrocities were to continue. It would be contrary to every principle of humanity and religion for us to stand by and allow these people to tear each other to pieces; but all I hope is, that in carrying out our intervention due precautions will be taken to guard against the consequences of a restless and intriguing policy. The noble Earl then put his Question.

LORD WODEHOUSE said, that the best explanation of the objects with which this intervention was undertaken was to read the 1st Article of the Protocol just drawn up at Paris, and which provided that “ a body of European troops, which may be increased to 12,000, shall be sent to Syria to contribute to the re-establishment of tranquillity.” That was the object of sending those troops ; and he could assure the noble Earl that, except so far as might be absolutely necessary in order to carry out that object, there was not the slightest intention of interfering with the civil or religious administration of the province. A Commission was to proceed to Syria, and would receive instructions as to the inquiry to be instituted with regard to the crimes and outrages which had been committed, and the punishment of those guilty of them. But those instruc-

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tions had not been finally agreed upon, and therefore he could not give the noble Earl a distinct answer. The noble Earl had made a variety of remarks about religious liberty in the Turkish Empire, and the jealousy with which we ought to regard the French influence in those parts of the world. Now, without denying the effect which the peculiar religious influences exercised by France and Russia might have in creating a political influence, he (Lord Wodehouse) could not help remarking that it would not be presenting to the Turks a very creditable specimen of our Christianity, if the Christian Powers were to allow their jealousy of each other to interfere with any proceedings they might adopt, in the present condition of Syria, to restore peace and order, and to promote the civilization of that country. With regard to Candia, it was unfortunately true that the population there and throughout the Levant generally, whatever their religious forms, regarded their religion more as a means of obtaining political protection than as a religion to be cultivated for its own sake. And although it was also true that there had been a considerable increase of Protestants throughout the Turkish Empire, yet they too might, in some cases, have been actuated by the desire of obtaining similar advantages. With regard to the object of the present intervention in Syria, and the mode of carrying that object into effect, he trusted his noble Friend would be satisfied with the assurance that there was no intention to interfere with the civil and religious administrations. He did not mean to say that in no possible case would anything be done which could have the appearance, when strictly considered, of interfering in the civil and religious affairs of the country; because, with a body of foreign troops in the country, it would be difficult to give such a pledge; but the object of sending these troops was truthfully defined in the paragraph of the protocol he had read—to contribute to the re-establishment of tranquillity in the province.

THE MARQUESS OF CLANRICARDE said, he should feel deep and sincere regret if he could believe that it was the final determination of the Government to limit our intervention to the restoration of immediate tranquillity and the mere punishment of a few individuals. He asked what there was to prevent the interference of the European Powers in a way that would tend to civilize that country—what was there to prevent it, except those very

jealousies, which it would be absurd for us to shrink from avowing that we, as well as others, felt? The first step had indeed been taken by the convention and meeting of Plenipotentiaries at Paris, and it would be impossible for the great Powers of Europe to be content with limiting their intervention to the object that had now been stated. He had often heard in that House and elsewhere, extreme horror expressed at violent acts of revolutionists; and he always lamented the occurrence of outrages or of civil wars; but what were all such deeds in a country undergoing a revolution compared with the massacres that had taken place in Syria? He ventured to say that in the Reign of Terror, during the French Revolution, so many persons were not put to death by the revolutionary rulers or mobs in any two years in Paris, as there appeared to have been in Syria in two weeks, according to the accounts in the newspapers. After their diplomatists had interfered in every way with the Government of Turkey—after they had engaged in a sanguinary war in its defence—the European Powers would, if they limited their intervention to the purposes that had been mentioned, be abdicating the high position they held in this world, and would violate the duties which they owed to mankind and the Creator. He did think that the English Parliament before it separated ought to make it known to Europe that it was prepared to look the difficulty in the face, and that while it would uphold the suzerainty of the Sultan, it, at the same time, would insist upon having real securities and effectual guarantees against the recurrence of such horrible events. It was absurd to talk of the necessity of respecting the independence of the Porte. The Sultan was now avowedly unable to maintain peace and order among his own subjects, and had, as appeared by the protocol, appealed to us for assistance. It was vain, therefore, to talk of respecting his independence, and if the other Powers interfered, they had a right to demand that precautions should be taken, and guarantees given against the peace of the world being endangered year after year by these occurrences. If they did not do that, the next outbreak might take place at a more inopportune moment, and we might be called upon either to surrender all our influence in the East, or to undertake some desperate and calamitous war. He had read in a newspaper that the Sultan had consented to a joint intervention,

because of the fear of otherwise exciting war between France and England. Now, did any one suppose that France and England would go to war for the sake of Turkey; or for the sake of upholding the Mahomedan power in the East? If we went to war about Turkey it would be because of our jealousy of some great Power. It would be a disgrace to us, if, after sending a Commissioner to Syria, we allowed such scenes as had been described again to take place there, especially as what we had already done was utterly inconsistent with our considering Turkey a great Power, or the Sultan a really independent Sovereign. The best plan would be for the European Powers to come to an understanding among themselves and settle how Turkey should be treated, not perhaps with a view to its partition, but with the object of preventing a recurrence of events the repetition of which would be a disgrace to the Powers which had interfered in the affairs of that country.

House adjourned at Half past Six
o'clock, till To-morrow, Half
past Ten o'clock.

HOUSE OF COMMONS,

Monday, August 6, 1860.

MINUTES.] NEW MEMBER SWORN.—For Stafford Borough, Thomas Sidney, esquire.

2° Plea on Indictments.

3° Refreshment Houses and Wine Licences (Ireland).

THE ATLANTIC TELEGRAPH COMPANY.

QUESTION.

MR. H. BERKELEY said, he wished to ask Mr. Chancellor of the Exchequer, Whether, in consequence of the failure of the Atlantic Telegraph Company in their attempt to lay down a submarine line to America, the Agreement entered into between them and Her Majesty's Government has not become void; and whether the Government will be prepared to entertain applications from other parties willing to undertake the same enterprise, subject to the conditions set forth in the Report of the Select Committee on "Packet and Telegraphic Contracts" which have been recently affirmed by the House?

THE CHANCELLOR OF THE EXCHEQUER said, with reference to the first

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part of the Question of his hon. Friend, that he was not aware that the agreement with the Atlantic Telegraph Company had become void in point of law, but it was certainly inoperative, and might perhaps be regarded as void for all practical purposes. With reference to the latter part of his hon. Friend's Question, he wished to state, for fear of being misunderstood, that there was nothing of an exclusive character in the agreement with the Company, and that it would have been competent for the Government to enter into contracts with any other individuals in regard to the same subject-matter, even though the arrangement with the Atlantic Telegraph Company had taken practical effect. As to the willingness of the Government to entertain applications from other parties willing to undertake the same enterprise, he had no reason to suppose from any applications received at the Treasury, that any other parties would be willing to enter into an agreement of a nature similar to that which was made with the Atlantic Telegraph Company—namely, an agreement contingent on the actual success and efficiency of the line. He did not say that the Government were not prepared to entertain such applications, but at the same time what had taken place had its lessons for the Government, and in the present state of enterprises connected with the deep-sea telegraph, and considering the very limited amount of success which had attended them, it would assuredly be the duty of the Government to receive new applications with great caution, and not to accede to them except after mature deliberation.

SCOTCH HERRING FISHERIES.

QUESTION.

MR. CAIRD said, he wished to ask the Lord Advocate, when it is the intention of Government to appoint a Commission to inquire into the state of the Scotch Herring Fisheries?

THE LORD ADVOCATE replied that it was the intention of Government to issue a Commission on the subject, but he could not state the precise time when the appointment would be made.

ABD-EL-KADER.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has now

received official information that Abd-el-Kader, by his active and courageous exertions, saved the lives of a large number—said to be several thousands—of the Christian inhabitants of Damascus, who would otherwise undoubtedly have been massacred; and, if so, whether it would not be generous and sound policy on the part of this Country that we should make some public acknowledgment of such services, as an example and encouragement to the cause of humanity in those countries?

LORD JOHN RUSSELL said, the only official allusion to this subject which he found in the despatches lately received was contained in these words:—

“It is notorious that for some days the Algerines of his Highness the Emir Abd-el-Kader saved from the ruins several hundreds before the Pasha thought of doing so.”

He would put it to the hon. Gentleman whether there might not sometimes be an abuse of this privilege of asking Questions. Almost every day he was in the receipt of despatches, the contents of which he had to consider, and with respect to which he had to concert with his Colleagues the course to be pursued, afterwards laying the advice of the Government before Her Majesty. If, however, hon. Gentlemen came down to the House asking Questions about despatches which had only just been received, and requesting to know the opinions of the Government on the subjects to which they referred, it was impossible, with every desire to satisfy the curiosity of hon. Gentlemen, that such questions could be answered.

THE STATUTE CRIMINAL LAW CONSOLIDATION BILLS.—QUESTION.

MR. AYRTON, in the absence of his hon. and learned Friend, the Member for Marylebone (Mr. Edwin James) said, he would beg to ask Mr. Attorney General, Whether it is the intention of Her Majesty's Government to proceed with the Bills for the consolidation of the Criminal Law, sent down from the House of Lords, this Session?

THE ATTORNEY GENERAL said, those Bills had received great consideration on the part of the Government, who had had the advantage of the valuable labour of their predecessors, and also of the attention given to the subject by the Statute Law Commissioners. They had been most carefully considered by a Committee of the House of Lords, and there

were no Bills, therefore, that could be more confidently recommended to the House. It was the intention of Her Majesty's Government to submit those Bills to the House, and he hoped they might be allowed to pass without occupying any very considerable portion of time.

CUSTOMS ACTS.—THE PAPER DUTY.

Order for Committee read.

House in Committee.

THE CHANCELLOR OF THE EXCHEQUER: Mr. Massey, before I comment upon the Resolutions of which notice has been given in my name, I may, perhaps, do well to explain one or two points of detail in the arrangement of those Resolutions which may have suggested doubts to the minds of some hon. Members who are not minutely acquainted with the causes of that arrangement. It will be observed that a variety of articles are specified in the Resolutions, and that generally those articles are placed at 1*6s.* per cwt. duty; but there are certain exceptions, the reasons for which I will briefly state. Upon books admitted under treaties of international copyright—that is, under treaties now of considerable standing and not in connection with any legislation of the present year—we propose simply to continue the duties to which they are now liable—namely, 1*5s.* per cwt. Paper hangings are placed in this list at 1*4s.* per cwt., the duty to which that article is subject by law at this moment; but that law is one of recent date, one of the present Session, and is one of the arrangements made under the Commercial Treaty with France. In the same position is pasteboard, which is placed at 1*5s.* per cwt., the rate at which it was fixed early in the Session in accordance with the Commercial Treaty. All the other items, I think, sufficiently explain themselves, and it will be seen that they fall within this general view—that whereas the Excise duty upon paper chargeable in this country is 1*4s.* per cwt. and 5 per cent additional, which brings it up to 1*4s. 8*d.** and a fraction, we propose to add to that sum 1*s. 3*½*d.*** by way of compensation to our paper-makers for the disadvantages and restrictions of the Excise system, so far as they can be appreciated, and for the advantages which the foreign makers enjoy under the Customs laws, so as to make the amount as near as possible equivalent to stipulations of the 7th Article of the treaty. The Committee will have perceived that

the Resolution has been divided into two Resolutions. Each is an exact counterpart of the other, except that generally they relate to importations taking place from different countries. The first Resolution relates to the importations which may take place under the treaty with France, and the second Resolution generalizes the particular arrangement to which that treaty binds us, and establishes, should it be adopted, one rule for importations from all the world. The reason why the Government have divided the propositions will, I hope, be sufficiently obvious. There are certain considerations, in their view of the highest importance, which are applicable to the first Resolution exclusively, I mean those considerations which grow out of the recent treaty, and the steps taken by the House in relation to that treaty. Those considerations have no bearing upon the second Resolution, which is a matter of pure commercial policy. In consequence of the difference of motives which might guide the votes of the Committee, the Government thought it would be fair to the House to have each subject separately submitted to them.

Now, Sir, the question we have to discuss to-night is, in my opinion, and in the opinion of the Government, a very small and minute question, either as respects the revenue or its effects upon the trade with which it is connected. Now, as to revenue, only a few thousands a year have been levied for duty upon foreign paper, and the effect of a diminution on that duty, inasmuch as it is a differential duty, would be, of course, to increase the customs revenue—the general revenue—by stimulating consumption. At the same time, although the effect will be favourable to the revenue, I shall not dwell upon it as a matter of importance, which need weigh materially in forming the judgment of the Committee. Nor with respect to the particular trade, as far as our investigations have led us, should we be justified in representing to the Committee that we are going, by means of this change of the law, to effect a great and important revolution in the price of this peculiar article of consumption, whatever the exaggerated apprehensions of particular classes may anticipate. In speaking of those exaggerations I am speaking of nothing peculiar to those classes, but I speak of the tone, the feeling, and the expectations which have influenced, one after another, almost every class of producers in this country, and which have led them into

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successive delusions which nothing but experience has sufficed to dissipate. When I speak of those anticipations I refer to the dismal pictures that are drawn by some of the utter ruin that is about to befall them. But, Sir, if that ruin is about to fall upon them, it will only be a proof that heretofore they have been taxing the British public to an enormous, an unjustifiable extent. If these allegations are well founded, that is the conclusion to which they will force us. But, in truth, I think no impartial examiner of this question, who has the advantage of the light which is thrown upon it by all previous discussions of a similar kind, can possibly believe that they are well founded. I think, setting mere opinions aside, there are facts—undeniable, indisputable facts—which will justify the opinion I have expressed. Those facts I will presently refer to. But if the Government be asked, “What is it we may expect from this disturbance of interests—what will be the advantage to the British public by this change in the law?” I say we do not stand minutely or exclusively upon the advantage which the British public will derive from the change of this particular law; but at the same time I believe there will be advantages to certain branches of trade, particularly in certain times of special demand, when the consumer of paper will have the very same advantage which the consumer of every other article has had—namely, the advantage of calling in, in aid of the productive power of his own country, the productive power of foreign countries, and thus reducing the undue pressure upon the market by resorting to sources where, for the moment at least, the article is to be obtained upon better terms. But, however small this question may be when intrinsically regarded, it is great in connection with principles of high importance. These principles are, in the first place, pledges which we think to be obligations of honour in connection with the Commercial Treaty with France, and which I will proceed immediately to explain; and not obligations only of honour, but obligations of policy also; for this question will be a test of the real opinions and convictions of the present House of Commons in regard to that system of commercial legislation which, triumphing over all resistance, has now become established in this country, and has held out a noble example to the world. And again, in connection with these principles of policy, I shall have to refer to

certain considerations of justice—of justice to particular classes and interests which will suffer, not under the legislation of foreign countries, but under your legislation, unless, listening to the appeal of the Government, the Committee shall think fit to adopt these Resolutions.

I come, first, to consider this question as it arises out of the Commercial Treaty with France; and in this aspect it is of the utmost importance, both on account of the delicate nature of the article it deals with, and likewise because that treaty has undoubtedly been the cause of our making at this particular moment the proposals which I have now to submit to the Committee. It was only a very short time ago that I heard, with very great surprise, that there were Gentlemen in this House who doubted whether the Treaty of Commerce concluded between Great Britain and France bound Her Majesty to propose to Parliament that the Customs' duty on foreign paper should be reduced to a level with the Excise duty at home. In using the term "level with the Excise," I will not encumber my statement by specifically using it every time I make any reference to the small additions to the Customs' duties that may, conformably to the terms of the treaty, be charged in compensation of indirect expenses of Excise. It was with surprise I heard that we could have so entirely failed in conveying into the terms of direct stipulation the clear and manifest intentions with which the negotiations with France had been commenced and concluded. Let us look first of all to the Articles of the Treaty themselves, and, secondly, to such indirect and collateral evidence as can throw light upon it. I have referred to the doubts that I understand have been entertained respecting the sense and meaning of the treaty as my justification for adverting to a subject which, if it had been three or four months further back in the Session, I should not have thought it justifiable to trouble the House with any arguments upon at all. The Articles that relate more or less to this and kindred matters are the 7th, 8th, and 9th. In the 7th Article Her Majesty promises to recommend to Parliament to admit into the United Kingdom merchandise imported from France at a rate of duty equal to the Excise duty, which is or shall hereafter be levied on articles of the same description produced in the United Kingdom; and it then goes on to make provision—to which I need not particularly

refer—for an augmentation of the amount on account of the indirect Excise charge. I do not wish to venture on the dangerous ground of French scholarship; but it may be worth while for hon. Members who are confident of their accomplishments to refer to the French version of the treaty—a co-ordinate version, be it observed, and binding upon us as well and as much as the English version. They will then see that, whereas in the British version of the Articles the word "merchandise" is used without any emphasis or article to limit or qualify, in the French version it is used with a definite article;—that evidently, as we think, points—if, indeed, that evidence were wanting, which I do not think it is—towards the particular class of commodities to which the Article refers—namely, that class of articles that are subject to duties of Excise in England. However, I think that the words themselves may *primâ facie* be allowed to bear clearly upon that class of articles that are subject to duties of Excise. When we come to the 8th Article we find an enumeration of five particular commodities; and with respect to these five commodities more specific provisions are made than the provisions of the 7th Article supplied. When we come to the 9th Article we there find a new stipulation, and it is this:—

"It is understood between the two high contracting Powers that, if one of them thinks it necessary to establish an Excise tax or inland duty on any article of home production or manufacture which comprised in the preceding enumerated articles, the foreign imported article of the same description may be immediately liable to an equivalent duty on importation."

What is the meaning, then, of the 9th Article? It refers to a long list of commodities contained in a prior Article of the Treaty, in respect of which we had made a distinct and definite stipulation that they should be admitted into this country free of all duty whatever. Had the treaty stood thus, as those articles are not now subject to duties of Excise, it might have appeared that under the treaty we were absolutely precluded from charging a duty of Excise on any one of those articles and balancing the amount by countervailing Customs' duties; and therefore this 9th Article has been introduced to give perfect liberty to the Imperial legislation in that respect. But the very fact that such an Article has been introduced is in itself a distinct witness to the meaning of the 7th Article, and shows that the 7th Article

refers to those articles that are liable to duties of Excise; while the 9th Article gives the right to bring in that category articles that are not liable to duties of Excise. But I am told that the 7th Article is merely a preface to the 8th, and that the 8th Article enumerates and exhausts the particulars to which the 7th Article refers. If it does not, then I apprehend it will be extremely difficult to bring forward any argument to show that this Article does not stringently apply to particular cases. Let us see what the commodities comprised in the 8th Article really are. The 7th Article, let it be observed, embraces all commodities subject to duties of Excise, and those commodities alone. It may be said, why, then, have you the 8th Article at all? Why was it not enough for France to accept the 7th Article with the general stipulations it contains? Why, for the plainest possible reason—that the 8th Article is in every case—in every stipulation it contains—favourable to France, and more favourable than the 7th. The 7th Article lays down a general principle which was adopted at our suggestion; the 8th Article sets forth certain particular commodities with respect to which France has a special interest. The 7th Article leaves the duties of Excise variable; the 8th Article—not in every case, but in most cases—brings them either to an absolute and fixed standard, or else to a *maximum*. The 7th Article gives to France the advantage only of an indeterminate stipulation; for under that article it would have been wholly within the discretion of the British Government to say what was or what was not the proper addition to be made to the Customs' duties to balance the charges of Excise; but the 8th Article, on the contrary, specifies or stipulates what the positive amount of those duties shall be, and either disposes of what the French call the sur-tax altogether, or restrains it within the limit of a particular sum; and therefore there is a particular and sufficient reason in any single case why certain commodities should be specified in the 8th Article of the Treaty, for there is not one of those specifications that does not give to France a security and advantage over and above what she would have had under the 7th Article. For example, take the case of spirits. Under the 8th Article it was in our power to charge upon spirits a sur-tax of 2*d.* a gallon. Let me suppose that the 8th Article had not existed, but only the 7th. When our distillers came to us

with their case they showed that they were entitled to a sur-tax of 5*d.* a gallon; and if it had not been for the 8th Article we should have been placed under the necessity, as between ourselves and France, of charging 5*d.* or 6*d.* a gallon, or any other amount that might be supposed to compensate for the disadvantages of our distillers. But inasmuch as this 8th Article was here, binding us to a sur-tax of 2*d.*, it was not in our power to do any such thing, and we could only alter that sur-tax by specific application to France, which it would have been in the power of France to decline, in case she thought we were attempting to take undue advantage of her. In the same way with the second commodity, which is French colonial spirits. Here the stipulation is that French colonial spirits shall be admitted at a duty exactly the same with that levied on the spirits of the British Colonies. The third article is that of paperhangings imported from France, and we have stipulated there, to admit French paperhangings at the fixed duty of 14*s.* a cwt. That is a duty actually lower than the duty of Excise paid in this country. Into the details of this case I will not enter, or into the reasons why it was just to impose a duty somewhat lower than the duty of Excise; I refer to it only as showing that there was a most distinct and specific reason why a specific stipulation as to that commodity should be included in this Article. It was a commodity in which France is capable of carrying on a very considerable trade, and she took this stipulation as a security for herself. Then with regard to cardboard there is a provision almost similar. It is stipulated that no duty shall be levied in this country on the article of cardboard which shall exceed 15*s.* a cwt. Hence, instead of leaving the duty to be varied as it might have been under the 7th Article, it is tied to an absolute *maximum*; and if the House of Commons thought fit to double the Excise duty on paper, still it would not be in the power of the House, without the permission of France, to make any augmentation in the duty now charged on cardboard. The last commodity mentioned in the Article is that of gold and silver plate. This, again, was a commodity in which France felt a special interest. This was not an excisable commodity at all. It had nothing whatever to do with the stipulations of the 7th Article, but it was one with respect to which, owing to its being under the department of our stamp laws—as French colonial spirits belonged to the

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department of Customs—France thought fit to have a specific and determinate engagement, on which she could place a more clear and full reliance than it was possible for her to place under the comparatively vague and indeterminate stipulation of the 7th Article. Therefore, when I am asked what is the 8th Article, I have not the slightest difficulty in replying that it contains a group of particular stipulations with respect to which France had felt a special interest, and which, on account of their importance to her, both in her judgment and in ours, required a particular enumeration and introduction of covenants of special and definite obligation. It will be seen from what I have said that the 7th, 8th, and 9th Articles all hang together; that the 7th makes provision for articles now subject to Excise duties, and lays down the principle on which they are to be dealt with; that the 8th Article makes certain stipulations in respect to commodities specially interesting to France; and that the 9th Article makes provision for the liberty of the Legislatures of both countries to impose domestic duties on certain articles not now subjected to duties. But I say this is not only the reasonable construction of the Article. I ask of what other construction is the Article susceptible? If I am told that the list was exhausted, and that we are not bound to regulate any Customs' duties except those enumerated in the 8th Article, that is a construction, if I may so call it, which is opposed not only to all the principles of sound interpretation, but to all the collateral evidence bearing on the interpretation of the treaty that has been concluded. If that be the right construction, the 7th Article is superfluous, and ought to have no place in this treaty. Of what use is this Article, if all that it contains is in the 8th Article? Is that a rational construction which, when a treaty is divided into certain leading parts, assumes that one of these Articles has no sense, meaning, or application whatever? But we are not entirely reduced to the necessity, though that is not a very hard necessity, of looking to the plain and obvious meaning of these Articles. There is indisputable evidence in the correspondence between the two Governments, which the Committee will, I think, consider to be conclusive as to their intentions. Here are two short paragraphs I will read—one explains the general principle, the other explains distinctly and positively the plan and office of the 7th

Article. At the end of the third page of the correspondence there is a paragraph which I will read, referring to the general principle of the treaty; and how, having heard that, it will be possible for any one to contend that the treaty leaves us at liberty to maintain a protective duty upon any article imported from France I am at a loss to imagine. A corresponding paragraph describes the basis of the treaty on the English side. On the French side it is stated to be—

“A general transition, so far as British commodities are concerned, from prohibition or high duty to duties at a moderate rate.”

What is to be the basis of the treaty on the English side? On the side of England it is stated to be—

“The total abolition of Customs' duties on French productions where fiscal considerations will permit it, and reduction to the lowest practicable point; together with the entire abandonment of any protective impost on behalf of a British and against a French commodity where fiscal considerations will not allow total abolition.”

Now, I address myself to the candour, the ingenuousness, I would almost say the honour of an assembly of British gentlemen, and I will ask whether it must not be admitted that, so far as the intentions of the two countries are concerned, and particularly so far as the intentions of the Government of Great Britain are concerned—which I presume are not narrowed by any representations from the other side—the correspondence does not show beyond dispute that our intention and meaning was to part in every case with every vestige of a protective impost. That was the general principle. But that was not all; for, although this correspondence is not very bulky, and is not very determinate in its specifications, yet it happens that it does bear specifically on this particular Article. I hope hon. Gentlemen will refer to the 6th page of the Correspondence, and there they will find three short paragraphs marked respectively A, B, and C, in which my noble Friend the Secretary for Foreign Affairs writes, that with respect to the general structure of the treaty the best course would be—

“A. To insert in the treaty a list of the articles on which duties are to be abolished.

“B. To insert, likewise, in express terms, the intended reductions on brandy and wine.”

Brandy and wine are both excisable articles. I now come to a paragraph which contains an authoritative and most perspicuous comment on the 7th Article:—

"C. To frame an article by which Her Majesty shall engage to propose to Parliament that the duties of Customs generally on articles imported from France into this country, but which are subject here to duties of Excise, shall be reduced to a rate as nearly as may be equal to that of the duties of Excise, together with a reasonable allowance for the costs, if any, which such duties of Excise may be shown to entail."

Here, again, I would ask the Committee, whether it is possible to give a construction more accurately corresponding with that which I put some minutes ago on the 7th, than by recording the very words in which my noble Friend (Lord John Russell) recommended such an Article to be drawn and inserted in the treaty, for the purpose of regulating it so far as the duties of Excise were concerned. That is the indirect and collateral evidence that bears on the meaning of the treaty. But I have spoken of the treaty as containing an absolute and indispensable obligation, without reference to the question whether the other party to the treaty is or is not disposed to bind us to the execution of all its engagements. I must repeat to the Committee, as rather grossly erroneous representations have gone abroad, that Her Majesty's Government were careful, to the best of their ability, that this House should not be entrapped under general words into giving a sanction to the arrangement of this treaty further than they were absolutely conscious of at the time. This House had given a general sanction to the treaty, and entered into a specific pledge to take the steps necessary to give effect to the treaty. When did it enter into that engagement? Not in the dark. The right hon. Gentleman the Member for Bucks at the beginning of the Session recommended that we should begin with a general affirmation or rejection of the treaty. One of the objections which Her Majesty's Government had to that proposal was, that the fairest course would be to lay before the House one by one the stipulations of the treaty, and then having assented to them, that the House should be challenged to a general decision upon the treaty. That was done, and I do not know one stipulation of the treaty, with one insignificant exception, upon which we did not take the vote of the House before my hon. Friend the Member for Middlesex proposed an Address giving a general sanction to the treaty. That exception was the commodity of hops, upon which no vote had been given, the question of hops being one of limited importance so far as the treaty was concerned, and the intentions of the

Government having been brought before Parliament in the most specific manner, because the Vote that was carried was on the Notice Paper, and stood for discussion the same evening that the Address was moved, although we were unable to proceed with it for four or five days afterwards. But it has been said that at the time this House gave a general sanction to the treaty, they were misled by an assurance from my noble Friend the Secretary of State for Foreign Affairs that the French Government intended to remove the prohibition on the export of rags. There are ways of making mountains out of molehills, and a more singular example of the facility with which under favourable circumstances that process can be effected I never remember, than this particular instance of protection. It may well be that the French Government has used its best ability to carry through the Legislature a measure for the removal of that prohibition; but the Protectionists of France have for the moment proved too strong for the efforts and influences of the Government. I hope that the example which will be set by the Committee on this occasion, like the example set by the British Legislature during the last twenty years, will afford no confirmation and no encouragement to those French Protectionists, but that on the contrary it will strengthen the hands of the Government and of those enlightened writers in France who are fighting manfully the battle of free trade. I do not doubt that the failure of the French Government to carry their proposal for the removal of this prohibition on the export of rags influenced them in the courteous and handsome act that I will refer to presently. But I wish now to say a word relative to this prohibition to export rags of which so much has been made. Why, Sir, there is no question more insignificant to the papermaker than this export of French rags. I will presently show what a delusion this alleged difficulty of obtaining rags from foreign countries is, "Ragged" as the whole case is there is no part of it so hollow or so trivial as this. Where do you want to go to get rags? Do you wish to buy in the dearest market? If you want to buy in the dearest market by all means go to France. France is not a cheap country for rags. France is a dear country for rags, and is obliged to import rags for its own use. And though France might casually be able to export rags of particular kinds, at particular times, and

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under particular circumstances, that by no means prove be a cheap market or a great exporting country in regard to that article. I venture to assert that we send more rags out of this country every year than in any year we should obtain from France, if the prohibition on the exportation and all duty were removed.

The communications between the French and British Governments with regard to the Treaty of Commerce have, I am happy to say, been conducted on every point, up to the present time, in a spirit of uniform liberality and mutual accommodation, each being anxious to forward the great purposes for which the treaty was designed. Whenever it has been found necessary in any respect to accommodate the original stipulations of the treaty to altered circumstances, the one Government has been ready to meet the other; and I am persuaded that in exhibiting that disposition they have been doing what is agreeable to the enlightened opinion of both countries. This is not the first Article which has been made the ground of an attack on the French Treaty. In February last an assault was made, in the first instance, on the Article in regard to ships. When that failed—when it was found that the Article meant exactly the reverse of what its first critics had supposed, a most vigorous assault was made, under the daring leadership of my right hon. Friend the Member for Stroud (Mr. Horsman) on the article in regard to coal. The attack was hotly urged, and a great deal of smoke was raised. Matters really began to look serious; and upon the instant the French Government made it known to us that they were willing to recede from that stipulation in order to secure the acceptance of the treaty, and the realization of those immense advantages to both countries—as we thought then and as we think more decidedly now—which it was calculated to produce. We have a repetition of the same liberal conduct on this occasion. Protectionism in all countries is a principle which at any rate has the faculty of making a very considerable noise, and of giving the impression to those at a distance that where there is so much noise there must, at any rate, be some degree of reason for it. The French Government have made known to us that they will not, if it is our desire, press upon us the immediate fulfilment of the stipulation in regard to paper. The answer we have made is the same as in the case of the Article in regard to coal. I

must say that the fight made by the right hon. Member for Stroud and others against the Article relating to coal possessed at least this nobler feature—the right hon. Gentleman did not come forward then as the champion of a class interest, using those narrow arguments which are meant to sustain the particular interests of persons in a particular trade as against the general public: he stood forward then to declare that we were promoting the interests of a class—and no doubt the immediate effect of the Article was to raise the price of coal—and sacrificing the interests of the country. We did not admit that representation; but it is due to him to notice the difference between that case and the present. On that occasion, when he was able to urge that we were sacrificing important interests of this country, and when we were able to inform the House of Commons of the disposition of the French Government not to press the immediate fulfilment of that Article if it were likely to create any difficulty in giving effect to the instrument as a whole—even then neither the Government nor the House of Commons would take advantage of their handsome conduct or ask a release from an obligation which they deemed to be in itself sound, right, and just. If, indeed it be true that we have—whether inadvertently or not it matters not—bound ourselves in regard to this Article of paper to do what is wrong, oppressive, and unequal as regards the British [producer, then let us accept the offer of the French Government—let us go to them and request to be released from the stipulation. I own I do not think such requests are desirable between the Governments of independent States, for to some extent they tend to compromise that position of erect and perfect dignity which every independent Government ought to maintain in the face of every other. Still, if—adverly or inadvertently, it matters not—we have committed ourselves to an injustice, then let us beg to be released from this painful and onerous obligation. But if, on the contrary, the obligation we have contracted is agreeable to justice, to policy, to prudence, and to precedent—if it confirms an undisputed principle of legislation, and is demanded by the most absolute considerations of justice to other classes of British producers, and if the generous release that is offered to us is one that would only have the effect of prolonging paralysis and uncertainty; so that, instead of conferring a boon, it would

in reality inflict an injury on those in whose interest it may be intended—then the offer of the French Government, though it may deserve our acknowledgments, is no reason why we should recede or stop short in that path of policy and wisdom in which we have travelled with so much advantage to the country—no reason why we should not do that justice in this instance which we have striven to do in every similar case. Even on the comparatively narrow ground of class interests, nothing could be more undesirable than that we should avail ourselves of the offer of France not to carry this stipulation into effect at the present moment. In every case of this kind, without exception, where the alarms of a protected class have been awakened by the prospect of an impending change of the law, those alarms have proved to be, as I should say, utterly groundless when tested by experience. But, without asking others to go so far, we may say that they have proved, at least, to be grossly exaggerated. That being so, there could be no greater cruelty to the papermakers than that which my hon. Friend the Member for Hertfordshire (Mr. Puller) intends, if he can, to inflict upon them—that of keeping them in a state of suspense for the few months which separate the present late Session of Parliament from the next, I hope, not too early Session. For those few months the papermakers would enjoy or suffer—which is it?—the benefits of my hon. Friend's protection. I am satisfied that they would suffer greatly, because then this engagement which we should have postponed would come back upon us as all engagements are apt to do upon those who are not prompt to discharge them; and nothing would be realized by my hon. Friend except a prolonged stagnation of business, to be measured as to its amount, not by the small and limited consequences of the changes we propose, but by the large and vague conception of them which is now bewildering the imaginations of the papermakers, and has taken possession for the moment even of the generally sound judgment of my hon. Friend. On the ground of humanity you ought not to support the Amendment of my hon. Friend. It is true humanity to let a man loose from being the victim of his own groundless alarms. On the ground of humanity to the manufacturers this question should be brought to a speedy and decided issue. If by a vote in his favour to-night my hon. Friend would have got rid of the

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stipulation altogether, I could better understand his course. There would then be, if not absolute repose, something approaching to it. It must be distinctly understood that we have, on the part of the French Government, not only, in the first place, the offer of a short respite, but, in the second place, a distinct assertion, responded to in our own bosoms, and sustained by the unanimous and undoubting opinion of all the legal advisers of the Crown ["Oh!"], that this question is within the treaty. To those two or three Gentlemen who seemed to sneer when I referred to the opinion of the legal advisers of the Crown, let me observe that the interpretation of a treaty is not like the interpretation of an Act of Parliament, when the Attorney General that is in and the Attorney General that is out may bandy opinions to and fro; but that on this occasion the two parties whose duty it is to construe the engagement are two Crowns, and the interpretation fixed upon it by England, acting on the advice of her legal authorities, is the same as that which the French Government attach to it. Of course, I do not enter into the question how far the House of Commons is bound by any opinion of this kind with regard to the construction of its own Resolution. That is a distinct question altogether. I mention it because it is one which it is important should be kept in view by those who approach the consideration of this question with the view of recommending any particular course. The question before us, however, is one which, independent of authorities, turns very much on considerations which have long been familiar to the mind of every successive British Parliament—I mean considerations of policy. It is a kind of touchstone which is going to be applied to the professions both of the old and of the new friends of free trade. Free trade received in the commencement of the year illustrious accessions. There were Gentlemen on the opposite Bench, who had never made similar declarations before, who made their confession of faith as Free-traders in the most unequivocal and unrestricted terms. There are all through the House, both on that side and on this, many Gentlemen who have for many years, some of them during their whole lives, entertained those opinions; but somehow or other we are always met with that tendency to deny in a particular case what is admitted in general. It is just like confession of sins. Nobody has any difficulty at all in making a general confes-

sion of being very unworthy, falling greatly below the standard of duty; but touch a man by pointing out to him some particular act he has done which is wrong, and immediately he is in arms for his own defence. So it is with Protection. I admit that there have been classes, distinguished exceptions to the rule, who have been Free-traders in their own case. But they are exceptions to the rule, and they are exceptions of that nature which prove the rule; for unquestionably, as a general rule, the people of England have not been Free-traders each man in his own case. Those, at any rate, who have been connected with each particular kind of protection have uniformly entertained those originally respectable, but now after so much experience chimerical, apprehensions of mischief, and even total ruin, that was to be brought upon them by free trade. There is a certain kind of consistency and coherency to be found generally even within the walls of a lunatic asylum, and in the arguments of our protected interests there is always the same sort of consistency and coherency to be discovered. I never saw a class—and in the course of my experience I have seen many—who were not profoundly persuaded that their own case was in its nature exceptional; and of course every trade has got some feature or other that belongs to itself, and not possessed in precisely the same form by other trades. The form which the malady assumes is always the same. They invariably fix upon that particular feature, whatever it may be, and they say that, although free trade was perfectly right in every other case, yet by reason of that particular feature it is not applicable to theirs; and I declare that, as it might be perfectly possible for an ingenious man to frame a schedule to be put at the end of a Bill with certain blanks to be filled up with names and dates, even so you might frame a schedule of these Protectionist arguments, putting in paper one day, corn another, corks another, shoes another, and silks another; but, fill up the blanks as you may, the skeleton of the argument—the bone and substance of the argument—are always precisely one and the same. What really are the considerations which ought to govern a country situated like England? We have been engaged for twenty years—I might perhaps say for forty years—in introducing and progressively extending the application of the principle of freedom of commerce. Few or none deny the ab-

stract truth of that principle; but it must be admitted that when in a country which is blessed or cursed with a highly protective system, when you first commence the application of the principle of free trade to any particular class the operation is a rather harsh one, because that particular class is exposed to competition in what it produces before it gets the benefit of competition in what it consumes. But as you go on with the operation, as you proceed from class to class, as you liberate one branch of trade after another, that difficulty diminishes; and when freedom of trade has become your general rule, then, instead of its being harsh to apply the principle to the remaining cases, it is an enormous injustice to decline to apply it. What is our condition? Are we at the commencement of the process, or have we now arrived at its close? At the beginning of the present Session I ventured to say that our old friend Protection is now reduced to such extremities that, instead of finding a sumptuous home in palaces, he is obliged to hide himself in holes and corners. Here is the last of his holes and corners. There is not an article, excepting paper, to which it remains to apply the principle of equity and equality in trade. And what is the speciality of paper? It is that certain European countries have thought fit, in the prosecution of what they deem a wise, but what we think an unwise, policy to restrain and burden, or altogether prohibit, the exportation of rags. The papermakers say,—I am obliged to refer to the papermakers in general, but there are a minority who, instead of concurring in the doctrines of the majority of their brethren, are among the most energetic opponents of them, and they are the men to whom we shall in the main ultimately owe the extension, the prosperity, and the power of what is to be a great manufacture,—the majority of the papermakers say that because when they go to Germany for rags they find them saddled with a duty of £5 or £10 per ton, and because when they go to France—although they will seldom if ever go there even after the export duty is reduced—they find the door shut in their face, therefore they ask to be protected in the British market against the importation of paper from all other countries. Such is the principle which they require the House of Commons to adopt. Has that principle any ground in our recent legislation? Have you given the benefit of it to any other class? When

you had abolished the cheap, compulsory, and servile labour of the West Indies did you, in consideration that you interfered to make his labour dear, confer upon him a monopoly of your market? When he pleaded in your face that he was to be put in competition not only with the labour of slaves, but with the slave trade, what was your reply? Your reply was that it was unjust and impolitic for the British Legislature to regulate its own commercial laws by reference to foreign legislation. Steadily, unflinchingly, invariably, without hesitation, without exception, you have acted upon that principle throughout. From one end to the other, in a long course of years, at first with doubt, but ultimately with absolute certainty founded upon growing experience, you have refused to take into view the legislation of foreign countries when you were determining your own commercial law. You have said it is unjust to the consumer of commodities that, when he is liable to competition in what he produces, an exception should be made against him in respect to what he consumes. You have said that the British producer was entitled to every advantage you could give him in the removal of restrictions and taxes upon his trade. What have you done to the papermaker? Is he, forsooth, in a country where, if he still labours under some disadvantages in the making of paper, he has not had the benefit of the whole system of free trade? The principle of free trade has been applied to every article he consumes. In other countries the machinery for manufacturing paper is subject to heavy taxes. It has no tax here. In other countries the chemical appliances which he uses are charged with taxes, not one farthing of which is paid here. In other countries every commodity he uses as a consumer is commonly charged with an enhancement of price resulting from prohibitive and restrictive legislation. It is not so here. The papermaker wears shoes. Northampton has trembled at the change we have made in order that we might give the papermaker cheap shoes. He wears gloves. Yeovil and Worcester will tremble in order that we may give him cheap gloves. He drinks wine. Wine has been brought into competition for the first time with British beer and spirits, and it has been brought into competition with British beer and spirits at a time when every article which it is his interest as a manufacturer to have cheap has already undergone a cheapening operation at the

reforming hand of the Legislature, in order that he may be a full sharer in the benefits of free trade. Under these circumstances, unsustained by a single precedent, but with every precedent against him, he asks the Legislature to reverse the principle upon which it has acted for twenty years, in order to continue to him what he says is an advantage necessary for his existence, but what in all other cases, although in those cases exactly the same thing was said beforehand, has turned out to be a delusion and a snare to the producers themselves. Let me consider what is his speciality. A distinguished champion of the papermakers, or the majority of them, states in one of the daily prints of to-day that the case of the papermakers is not at all like that of the corn-growers. The corn-grower, he says, had no special burdens. I was rather amused to read that statement. If the writer is not old enough to recollect the Corn Law agitation he must be a very precocious youth; but if his memory carries him back as far as the years from 1838 to 1846, I should think he must have heard something at that time of the special burdens of the corn-growers. This is not an unimportant issue, he stakes himself upon it. He says that if the papermakers ask for that which nobody else has got, it is because they labour under disadvantages which no other class have experienced, for, unlike the corn-growers, they are subject to special burdens. That argument will not be re-echoed from the benches opposite. I invite the declarations of right hon. Gentlemen upon the point whether the corn-growers had special burdens or not. For my own part, I thought the corn-growers had some special burdens, and I am still of that opinion; but, nevertheless, you took away their protection. The papermakers say they have a special burden—the export duty on rags in foreign countries. The special burden of the corn-growers was the imposition of a heavy mass of direct local taxation at home. That local taxation at home was within the control of the British Parliament, which was responsible for it; whereas the export duty on rags is beyond our control, and we have always steadily refused to act by reference to foreign legislation. The question, therefore, comes to this—that, although we applied the principle of free trade to corn notwithstanding the existence of special burdens upon the corn-grower, which we had the power to remove, we are asked

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withhold our hand in the case of paper because the Government of Russia or of Prussia imposes a duty on rags which we have no power to alter, and thus to continue a privilege to the papermakers at the expense of the British consumers, including the corngrowers, whose special burdens have been augmented since the abolition of the Corn Laws. But there is a challenge which he makes and with which I wish to grapple for a few moments, because it does not happen that the "Paper-maker" makes any approximation to show specialty in his own case. He says that there is no other instance where the export of the raw material is taxed abroad, and where the manufactured article is admitted into England without duty. I really am surprised at the ignorance—or, not to use a harsh word, the defective information or hardihood—of that assertion. His challenge, however, is so distinct that I must notice it. I will give him a case—the important article of leather. I will not advert to silk, with respect to which there is a duty of 2s. 6d. on waste silk imported from France and brought here to be woven, while the Spitalfields weavers are obliged to meet the French in the market without one farthing of duty in their favour; but I take the case of leather. Hides, on being exported from France, are taxed 25 per cent; much about the same average as is laid on the export of rags. Bark, too, that important element in the leather trade, is positively prohibited to be exported from France, and yet the boots and shoes and gloves of France are all admitted, or—at a term immediately approaching—are to be admitted absolutely free into this country. But I deny the necessity of producing such instances, and I stand on the plain ground that we have nothing to do with foreign legislation. Nevertheless, I have given a case where the export of the raw article is either prohibited or restrained by taxation abroad, and where the manufactured article is admitted free of duty into this country.

I have detained the Committee long enough on this subject. For the last three or four months there has been such an amount of debate and discussion about it—we may doubt on which side the misstatements, exaggerations, and misrepresentations have chiefly sprung; but on both sides the House there have been too many of them that, though five months ago it might have been disposed of in five minutes, it has now gathered to such a head that I

have found it necessary to enter into some detail in order to do away with the mistaken notion. But the truth is—and I challenge contradiction to this assertion—that the whole matter is fundamentally misrepresented. The case is stated as if this foreign export duty interfered with an article with respect to which we are dependent on foreign supply, and in which we have to compete with the whole world. I know my hon. Friend (Mr. Puller) will not deny that that is the representation given, and that the basis of all the newspaper articles and arguments and speeches made is, that here is an article with respect to which we cannot supply our own market, except by means of drawing our raw material from abroad. I meet that assertion with a flat and broad contradiction. We are not an importing country of the material of paper. I can say much more, and can show that at this moment the raw material of paper is cheaper here and more accessible than in any other country. I have seen a letter from a paper manufacturer in which it is stated—

"There is positively no scarcity of rags, nor ever was, in this country. It is true we import, but it is a particular kind for a particular purpose. The best of all material for both coarse and fine papers is the refuse of and worn-out ships' rigging, and so abundant is it that on the 16th of May last, at the dockyard Government sale at Portsmouth, I bought the best and cheapest I ever had; above half the lots were passed, not obtaining a bidder, although the Messrs. Cohen and others, who supply the trade and know their wants, were present to purchase if necessary."

It is admitted on all hands that the raw material of paper—these rags forsooth which are so inaccessible—has grown much cheaper in this country of late years. I will not trouble the Committee with many statistical details, but there is no doubt of the increasing abundance of the raw material of paper. I can show it by evidence which is indisputable. In 1840 there were exported 5,000,000 lbs. of paper and 20,000,000 lbs. of rags were imported. We now import, according to the last accounts, 32,000,000 lbs. of rags and export 20,000,000 lbs. of paper. Thus the export of paper has increased by 15,000,000 lbs., while the import of rags has increased by 12,000,000 lbs. The 12,000,000 lbs. of rags represent 9,000,000 of paper. The argument is therefore conclusive that rags are a growing commodity in this country, and that, while we have increased the export of the manufactured article beyond the increase in the import of the raw material

at the same time the price has been diminished. If I were speaking to commercial men—to gentlemen conversant with these subjects—they would know the meaning of these statements, and that they demonstrate that the whole cry which has been raised is a delusion and error on the part of those who raise it. The position, therefore, that I take is simply this:—that we are not an importing country of rags—that we export at this moment in paper more than we import in rags. Our importation of rags is about 12,000 tons, after deducting the quantity we export, because we export 2,000 tons. Those 12,000 tons of rags will make about 9,000 tons of paper, but we export 12,000 or 14,000 tons of paper; so that we actually send out in the form of paper more rags than we import. But what kind of paper is it that we send out of the country? It may be said that there is a great deal of paper into the composition of which rags only enter to half the amount. Singularly enough, however, the paper we export is that very description of paper made of those fine rags imported from abroad, and not the coarse paper—not the straw paper, or paper made of other fibres which are being brought into use. It is the fine paper made of these fine rags which we export. How can we export that? Does it pay to do so? I presume it does, or it would not be exported. When it is exported where does it go to? One of the principal places to which it is exported is the United States; but I suppose the French are free to send paper there also. Is it not curious—and I ask the attention of the hon. Member for Hertfordshire to this point—is it not curious that we should be able to meet these Frenchmen who, it is said, will flood this country with paper upon our duties of Customs and Excise being brought to an equality in the markets of America, though our exporters labour under this disadvantage, that they generally pay the duty in advance, and have to supply themselves with notices and forms? Nevertheless, marvellous as it may seem, and notwithstanding the terror occasioned by the French manufacturer, the English papermaker is able to go to America, and, in the teeth of the Frenchmen, to sell his paper made of rags, which he complains he cannot obtain. In order to bring this matter to a climax, I may state that it is absolutely the fact that England at this moment sends to America more paper goods than France. We meet her there on equal or unequal

terms of disadvantage, yet while the French imported into America last year to the value of 170,000 dollars, we exported to the same country paper to the value of 230,000 dollars.

I am really ashamed to occupy so much of the time of the House; but before I sit down I must, for two or three minutes, call the attention of the House to a peculiar point in this case; it is this,—while the papermakers are demanding from you compensation for the unequal legislation of foreign countries, there are other classes who appear before you as petitioners with a demand of a character very different, and as I think much more reasonable. The principle of British legislation in matters of commerce for the last twenty years has been to decline to take notice of foreign legislation, but it has also been to give to all British subjects, so far as depends upon us, the benefits of perfectly just and equal laws. Let me call your attention, for a moment, to the position of those gentlemen—a class of great enterprise and merit—who are engaged in supplying the people of this country with publications, not of a low order, but yet at a low price, which are intended to be sustained by an extensive circulation. Suppose a man endeavouring to establish an undertaking of that character—to bring out, for the advantage of the people, an annotated edition like this I hold in my hand now of the Holy Scriptures, or any other publication requiring an extensive sale. It is not too much to say that it is hard upon that man to be compelled to purchase his paper in a protected market at an exorbitant price. But that is not all. If Messrs. Cassell, whose petition was presented here to-night, purchase paper for the annotated and illustrated Bible which they are at present engaged in bringing out, they must purchase it in the British market; or else they must pay 23s. 4d. per cwt. on paper imported, we will say, from Germany. The consequence is that, however dear the British market may be, they cannot purchase paper in Germany; and that not by any fault of German legislation, but simply by reason of British legislation. Now, let me ask, in what position do Messrs. Cassell stand in respect to the article they manufacture—that is to say—to their publication—when they bring it out? Paper is the raw material of their manufacture; the finished book is the manufacture itself. On the paper, if they bring it from abroad, they must pay a duty of 23s. 4d. per cwt.; but the com-

peting article which I hold in my hand here, printed in Germany, is introduced to drive Messrs. Cassell out of the market at a duty of 15s. That is the state of British legislation; it is no appeal to the proceedings of foreign countries over which we have no control, no exacting of the fulfilment of an impossible condition—namely, the regulation of our legislation by what is done in France, Germany, or all over the world. It is the state of the British law. By the law as it stands you refuse to Messrs. Cassell leave to purchase the paper on which this book is printed at a duty of 16s. per cwt., but you allow the German to print a Bible on that paper in Germany and send it here to drive Messrs. Cassell out of the market. That is the justice which my hon. Friend the Member for Hertfordshire is going to do. I call upon the Committee to dismiss these visionary and unpracticable schemes for the regulation of our legislation by reference to the proceedings of other countries. I call on the Committee to stand fast to the sound principle approved by the experience of twenty years, of minding our own business, mending our own laws, and setting an example of equity, fairness, and equality, so far as depends upon us, in the manner in which we treat our own producers. Nor is that the only case. I presented a petition from the manufacturers of silk hats, and there are other cases with respect to which the same inequality, unless you proceed to remove it, is the direct result of our proceedings, written in Acts of Parliament on which the ink is scarcely dry. It is only this year that you said to the manufacturer of paperhangings and the manufacturer of cardboard, “You shall be exposed to French competition; the French papermaker shall import his manufacture at 14s. per cwt. duty, and the French cardboard maker at 16s. per cwt. duty.” But what are paperhangings and cardboard? They are manufactures of which paper is the raw material. You have exposed these two classes to a neck-and-neck competition with the Frenchman and all the world—and are you positively to say to that man, by your British law, “We will compel you to run in a fair field and no favour against the French manufacturer; but, with respect to your raw material, we will debar you access to it by artificial restrictions; we will forbid you to purchase it except at a price enhanced by a tax levied for the benefit of the clients of the hon. Gentleman the Member for

Herts? Those who are prepared to adopt such a course must have formed their notions on grounds very different from those which British justice would mark out. To make the case perfectly intelligible, I may say that the principle is precisely as it would be in the case of the miller if we said to him, “We will admit foreign flour duty free, but we will maintain the duty on corn.” The miller is so nearly related to the corn laws that the illustration is complete, and it exhibits distinctly the principle on which my hon. Friend is inviting us to act.

These are really my last words on the subject, and I must say with regard to the first Resolution now before the House, to which I confine myself, I cannot for a moment doubt as to the dictates of our own self-respect and sense of honour and dignity as a Legislature, nor as to the conclusion towards which policy, prudence, and justice must direct us. It has been said by an observer of human nature, that there is always something touching in doing a thing for the last time, however insignificant the thing may be. It makes an appeal to the feelings, although the thing itself may be small, provided you know that you will never have to do it again. This is really the “last time” with regard to the whole question of Protection. With the exception of one or two cases of merely nominal duties, the most microscopic eye may now address itself to the British tariff, and will find that it has now attained to a normal state, as far as establishing equality between the domestic and foreign producer is concerned. The only case that remains is the case of the papermaker, and even with the paper trade itself the principle has found its way. Certain classes of makers of paper goods are irretrievably exposed to foreign competition. The last stage of this long journey, and it is a short stage, is all that remains for you to accomplish, and the question is whether you will now accomplish it, or whether you will stop short. It has been said that there is a specialty in the case of the papermakers. I know of but one specialty in their case, and that is the extraordinary advantage—though I should hardly say advantage—for, on the contrary, they are labouring, I think, for their own mischief—which their arguments have derived from being supported with the greatest power, efficacy, ingenuity, and assiduity in a quarter of the highest influence,—there is but one specialty in their case, and that is their

connection with what may be called the "Royal Family" of the daily press. That is their great specialty, but it is not a specialty of which the House will take any notice. I should, indeed, be much surprised and disappointed if there could be any doubt on their part, under the circumstances I have stated, as to the course which they ought to pursue. The Committee will to-night, I feel satisfied, once more, and once for all, confirm and give its sanction to principles which for so many years have contributed to develop the resources and increase the prosperity of the country, and which, fertile as they have been in benefits to every class of the community, have, on the whole, done the most for those for whom it was feared they would do the worst—the producers of what were once protected commodities. The right hon. Gentleman concluded by moving the first Resolution:—

Motion made, and Question proposed,

"That, in lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall, on and after the 16th of August, one thousand eight hundred and sixty, be charged thereon on importation from France, and likewise from Algeria if the produce thereof, into Great Britain and Ireland, namely,

Books :

MR. PULLER,* in moving the Amendment of which he had given notice, said, I have listened to the eloquent speech of the Chancellor of the Exchequer with much satisfaction, for it has convinced me—as from my knowledge of my right hon. Friend's character I always felt I should be convinced when he came to argue the case—that his perseverance with these Resolutions arises from no want of a desire to do justice to an interest which dreads extinction, but solely from the circumstance that he had not made himself sufficiently master of the real facts of the case. On their behalf, I claim—what has always been conceded in similar cases—that the facts should be previously ascertained by a Select Committee of this House, in which the persons whose interests are threatened may have the opportunity of substantiating the assertions which are questioned by the Government, or in their turn may disprove, if possible, the assertions of the Government. There is another point on which my right hon. Friend has founded an argument, which must, of course, have great weight with this House—I mean the treaty. I confess I have listened to my right hon. Friend's speech on the subject with the

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greatest astonishment, and before sitting down I do not despair of satisfying even him that he has put a wrong construction on the Article in the treaty bearing upon it. Before touching on that point, however, there is a preliminary question to be disposed of. The Chancellor of the Exchequer, though he did not dwell at any length on that point, seemed to wish to impress upon the Committee that their hands were already tied; that by the vote which gave their sanction to the treaty as a whole, they had put it out of their power now to inquire into the justice of the papermakers' case; and that, therefore, assuming the seventh Article of the treaty to apply to them, there would be no room for discussion upon any other part of the question. But let the Committee remember the observations made by the noble Lord at the head of the Government before that vote was taken. The House of Commons were then distinctly told that before they were called upon to affirm the contents of the treaty they should have the several matters affected by it brought under their notice. These were the noble Lord's words on the 17th of February:—

"Now, I humbly think—considering that the treaty involves a considerable number of changes in our Customs' regulations—that if we had come down to the House, and at once and before any other proceeding had proposed a general Vote sanctioning the whole treaty as it stands, we should have been met with the natural objection, 'You call on us by one Vote to give an opinion on a matter involving a great number of details; you are not dealing fairly with Parliament. Let us go through the whole matter point by point and step by step, and when we have arrived at a conclusion on all the separate parts, then give us an opportunity of expressing an opinion on the national engagement as a whole between the two countries.' That, Sir, I apprehend, was the course pursued by Mr. Pitt; that is the course we mean to pursue." —[3 *Hansard*, clvi. 1256-7.]

That was the deliberate promise made to the House by the noble Lord, and it was confirmed by my right hon. Friend the Chancellor of the Exchequer three days later. He said—

"We, acting upon the spirit of his (Mr. Pitt's) policy, held it to be our first duty, and without interposing any difficulty, to bring under the notice of Parliament the most vital and substantial parts of the present treaty. . . . Indeed, I doubt very much whether there is in this treaty one single point requiring legislative sanction which is not embraced in the Resolutions of which I have given notice." —[3 *Hansard*, clvi. 1385.]

Now, I need hardly dwell on the words "vital" and "substantial." My right hon. Friend has really treated this as if it

were a point of comparative insignificance, and so it may be in the eyes of the French; but what was the real object of bringing these matters before Parliament? Parliament could not, of course, object to the mere remission of duties. Nobody objects to that. The two questions for Parliament to consider were—first, as to those duties which were productive of revenue, what taxation was to be substituted for the duties remitted; and, secondly, as to those duties which were not productive of revenue, but which were imposed for the protection of English interests, whether it was just to those interests that the duties should be remitted. Therefore, if my right hon. Friend at that time held—as I suppose I am to infer from his speech—(though I confess I cannot reconcile it with his language or his acts)—if he then held the construction of the 7th Article which he has advocated to-day, it was clearly his duty, before calling on the House to sanction this treaty as a whole, to say to us, “Here is an Article which will bind the House, when they have sanctioned it, to reduce the Customs’ duties on all excisable articles to a level with the Excise duties.” It was his duty to have pointed this out, and then to have taken the opinion of the House on the treaty as a whole. Did he do so? It will be in the recollection of the Committee on this very subject of the paper duties, that when my right hon. Friend first brought the treaty under the attention of the House he put on the table a notice, in which the subjects to be dealt with in Committee on Customs’ Acts were divided into two categories—those which were under the treaty and those which were not under the treaty, paper being classed among those not under the treaty. [The CHANCELLOR of the EXCHEQUER dissented.] I wish to deal justly by my right hon. Friend. I know him too well to suppose there could ever be the slightest intention on his part wilfully to mislead. But I confess that I did find a difficulty in reconciling these notices with the construction which he puts on the 7th Article of the treaty, and when I drew my right hon. Friend’s attention to the subject, I confess that he did not give me any satisfactory explanation. Since then, in thinking it over, I have worked out for myself what I have no doubt is the true explanation—namely, that as it was his intention to propose to the House the abolition of the Excise and with it the abolition of the Customs’ duties on paper, my right hon. Friend

put down paper as not coming under the treaty, because the treaty did not compel the abolition, though, according to his present views, it did compel the reduction of the duty. Still, I cannot help saying that if even that were the case, when my right hon. Friend in his financial statement went through the whole subject, and there also divided the articles with which he meant to deal into those which were and those which were not under the treaty, it was incumbent on him to have told the House, “Although I propose to deal with paper to a greater extent than I am compelled to deal with it by the treaty, yet, if you sanction the treaty, recollect that to some extent you will be bound to deal with paper.” But my right hon. Friend never told the House anything of the kind. On the contrary, on referring to his financial statement, it will be found that he put not only paper, of which the duty was to be abolished, but hops, and malt, both of them articles subject to the Excise, into the category of things to be dealt with not under the treaty. Why was this? I say the House had not the subject fairly before it, as it was entitled to have, at the time when it sanctioned the treaty as a whole.

I will now pass to what I think is the only point of my right hon. Friend’s speech of which I can complain. He has imported into this discussion an argument founded on a communication lately received—so lately, I believe, as within the last twenty-four hours—from the French Government; but, as far as I am aware, he has not laid that communication on the table of the House, nor did he read the terms in which it was couched. Now it does appear to me that though my right hon. Friend was not bound to do this, he should have abstained from building any argument upon the construction which the French Government is supposed to put upon the 7th Article, unless the Committee were in a position to form their own opinion on the subject from an examination of the actual language of that communication.

Coming now to the actual position of the papermakers, my right hon. Friend has dealt in a very summary manner with them, treating them as a set of poor deluded creatures who do not know their own interests half so well as he does. But there is one-half of their case to which I think he wholly omitted to draw attention—the fact, I mean, that whereas they are precluded in almost all the principal countries of Europe from obtaining a supply of rags,

which form their great raw material, except upon terms which place them at a disadvantage as compared with their foreign rivals,—the English rag-market is at the same time entirely open to the Americans; that, consequently, reduce the price of paper as much as you please (and that is the real object of this Resolution), it does not follow that you reduce the cost of production to the English manufacturer. My right hon. Friend not only knows the interests of the papermakers better than they do themselves, but assumes to know better than they do the comparative price of their raw material in the other markets of Europe. He has told us it is absurd to suppose that the English manufacturer can be exposed to any disadvantage by competing with France—a country in which rags are so dear. Now, here again, I say that when a Minister brings forward a Resolution which is to affect a body of gentlemen whose capital is counted by millions, and whose workmen are counted by thousands, those persons, if they dispute his facts, have a right to claim a Committee of Inquiry before the case is concluded against them. I have a statement from one of the firm of Messrs. Cowan, of Edinburgh, large paper-manufacturers, in which that gentleman says that in March last he went to Paris to judge for himself and to inspect a large quantity, 70 tons, of rags, of which his agent had secured the offer. The result of his inquiry is stated to have been that fine French rags cost from 10s. to 11s. per cwt. less than in England, and common rags from 6s. to 7s. per cwt. less; consequently that the French manufacturer can, so far at least as the price of his material is concerned, make paper for about $1\frac{1}{4}d.$ a pound less than the English manufacturer. But, Sir, this question is not new to the Government nor to the right hon. Gentleman. In 1853, when he was, as now, Chancellor of the Exchequer, it was proposed to abolish the protective duty, which at that time was double the amount of the Excise duty. I this morning had an interview with a gentleman whose name is familiar to many hon. Members, a man of great scientific acquirements—Mr. John Dickinson—who is not now in business, but who was in 1853 at the head of a great papermaking firm. That gentleman told me that on that occasion, as representing the association of English papermakers, he had an interview with Mr. Wilson, the Secretary to the Treasury, with whom he went fully into the subject, and satisfied

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him that the peculiar circumstance of the English manufacturers being excluded from obtaining the raw material entitled them to some protection, and, consequently, instead of abolishing the protection altogether, the Government contented themselves with reducing the duty to $2\frac{1}{4}d.$ a pound, of which that portion which exceeded the Excise duty being a little more than $\frac{7}{8}ths$ of a penny a pound was expressly intended by the then Government as a protection duty to counter-vail the prohibition and duties on the export of rags from foreign countries, which disabled the English maker from competing upon fair terms with his foreign rivals. Upon the faith of that legislation, I apprehend, there has been a considerable investment of capital and extension of the manufacture here. We have had to-night a petition presented by the hon. Member for Birmingham from Mr. Cassell and others, who, upon the faith of a Bill which, though it had passed this House has not become law, have chosen to expend a large sum in the purchase of foreign paper, and now ask this House to give them compensation. Now, if gentlemen who have laid out a few thousands upon the faith of an incomplete measure of legislation considered themselves entitled to compensation, how much do they think should be allowed to those who, upon the faith of a complete act of legislation, have invested large sums in the erection of mills, the purchase of machinery, and the extension of their business? Is my right hon. Friend prepared to insert a clause to give them compensation? I expect he is not. I am assured by paper-manufacturers—for I, of course, cannot speak upon my own authority, but I am told by men of the highest respectability—that the present rate of profit upon the manufacture of paper in this country does not average more than $\frac{1}{4}d.$ a pound. My right hon. Friend proposes to take off 7s. 3d. per cwt., from foreign paper, which is rather more than $\frac{7}{8}ths$ of a 1d. per lb. Now the object of my right hon. Friend must be to lower the price of paper. Does he contemplate a reduction of more than a farthing per lb. If he does succeed in effecting such a reduction I believe, and the papermakers believe, it will have the effect of closing most of the English mills. If you take away the whole amount of profit, can any reasonable man expect that these mills will be carried on? You take off 7s. 3d. per cwt. duty, and the manufacturers say that at present it is a very close thing, and that the smallest increase of

price would enable a large quantity of foreign paper to come into this country. The Chancellor of the Exchequer impugns that statement—I cannot say who is right, but surely when parties are at issue upon so important a question, it is only right and proper that there should be some inquiry. What must be the consequence of adopting this measure? Merchants will have the whole existing stock of paper throughout Europe to draw upon, there being a bounty of 7s. 3d. per cwt. offered by the Government to bring it to England. The immediate result will be a rise in the price of paper abroad, and a consequent restriction in the consumption abroad, accompanied by a fall in the price of paper here, and a consequent extension of the consumption here. What follows next? Why that as the price of paper abroad rises, there will, to a small extent, be a rise in the value of foreign rags. It, of course, is an important part of the case of my right hon. Friend that if you raise the price of foreign paper you raise the price of foreign rags. But I wish the Committee to observe that this operation will be very gradual indeed. By diminishing the price of paper in England, you will have cut off all the profit of the English manufacturer, and so put it out of his power to compete with his foreign rivals, in the foreign market for rags, an effect which will of course be accelerated by that increased value of foreign paper, and consequently of foreign rags, which must be the first effect of the proposed legislation. All the rags which are now imported into England will then be at the command of the foreigner. As the price of the raw material falls here and rises abroad it will be not only the English manufacturer who will retire from the foreign market, but the Americans will do the same, for they will find it more to their advantage to purchase in the English market than in the foreign. A certain result will be, that the whole supply of linen and cotton rags that now comes to this country and to America, being more than 30,000 tons, must be exhausted before any material impression can be made upon the price of rags abroad, and any hope of alleviation can be held out to the English manufacturer. A time will come, no doubt, when the manufacture of paper being greatly restricted here and greatly extended abroad, and the price of the raw material having in consequence fallen somewhat here and risen abroad, things will right themselves, and the trade in paper will adjust itself to a new level of

prices somewhere between those which now rule in England and abroad. But long before that period comes, a great part of the paper-making trade will have gone into the Court of Bankruptcy.

I beg the Committee to remember that up to this point I have been dealing with the manufacture in its present state abroad. A great portion of that manufacture is of course carried on with inferior machinery, with straitened means, and imperfect skill. The foreign manufacturers have at present an advantage over the English makers in the price of their material, but that advantage is counteracted by superior skill and better machinery. But how long would those advantages continue if a bonus of 7s. 3d. per cwt. were given to manufacturers abroad? At this moment there are Englishmen established in France, in Russia, and in Germany. I am told that within the last year a large establishment has been opened at Leipsic, founded by English capital, and that machinery has been sent over by Messrs. Easton and Amos, and as soon as you have passed this Resolution into law there can be no doubt that a number of enterprising Englishmen will go abroad, and with English capital, English machinery, and to some extent with English workmen, carry on the manufacture of paper in other countries. Now, Sir, I am not asking the Committee to deal with the Resolutions of the Chancellor of the Exchequer as if it were a question of reciprocity. The papermakers, notwithstanding the sarcasms of the right hon. Gentleman, are as a body Free-traders. They do not seek to make the free admission of English paper by foreigners a condition of admitting foreign paper here. They are ready to meet all the world upon fair terms, but they say it is not in accordance with the principles of free trade to place them upon an unfair footing as compared with their foreign rivals. Neither do they desire to act in any spirit of retaliation, but simply upon the defensive, in order to preserve themselves from threatened ruin; and upon that ground alone they, through me, ask the Committee to assent to the Amendment of which I have given notice. My right hon. Friend, in his great speech on the Budget, said these alarmed interests are all, without exception, adherents of free trade; but adherents of free trade with an exception. I am not to be deterred by a sarcasm of that kind from urging on the attention of the Committee what I believe to be a real case of justice.

I say it is an exception, it is because the circumstances are altogether exceptional, that I ask the Committee to reject or postpone my right hon. Friend's Resolution. It is a very easy thing to lay down grand general principles, and to treat with sarcasm those who claim to be exceptions. No doubt in all these cases there are persons who claim to be exceptions without reason, as well as those who claim to be exceptions with reason. But I have always thought it the special business of a man in the position of the Chancellor of the Exchequer to investigate closely all the facts, and distinguish the true from the false cases of exception. I remember a maxim of Mr. Burke's which I learnt when a boy; that a knowledge of general principles is the knowledge of a pedant; it is the application of them to the affairs of men that constitutes the statesman. What does that maxim mean? Why that, although it is very easy in the closet to take a one-sided view of a subject, to abstract the mind from all other considerations and lay down general principles, yet, when you come to deal with the complicated and intricate business of life, you find that one general principle clashes with another. It is certainly an excellent general principle of political economy that you should buy in the cheapest and sell in the dearest market. But it is also an excellent general principle of moral philosophy, which is expressed in the words of Scripture, that we should "bear one another's burdens," and also in the common proverb of this country, "Live and let live." Let us know, then, what is the meaning of this general principle as to buying in the cheapest market. I apprehend it means that you should not attempt, by your financial legislation, to struggle against the great permanent laws of nature—that if you find a country which has superior advantages of soil, climate, government, skill, or anything else for producing a particular article, whether corn, wine, sugar, or any species of manufacture, such as cloth, hardware, and the like, you should not seek to foster in your own country by artificial means, an industry devoted to the production of those commodities under disadvantages, but should let the industry of your people follow its natural course, producing those articles which it can produce with the greatest facility. Then, by that beneficial operation which we call commerce, you obtain the productions of other countries in exchange for those of your own, upon cheaper terms

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than you could produce them at home. Well, Sir, that is a principle to which I cordially adhere. I say, by all means bring me such a case, and I will join the right hon. Gentleman in objecting to any measure introduced for the purpose of applying a protective system to it. Nay, more, if I found a protective system already established, and I felt satisfied that the superiority of another country was a natural and permanent superiority, I would say "Get rid of your protective system, and the sooner you do so the better." I would not even then, however, proceed in that which I must call the rude, violent, oppressive manner adopted in my right hon. Friend's Resolution. I would proceed, as has been done in other instances, after deliberate inquiry, and would accord to the interest whose invested capital might be sacrificed by the operation such compensation or mitigation as it is in the power of this House to afford. Let us apply this reasoning then, to the present case. Is there any such permanent natural superiority in foreign countries for the production of paper? Does my right hon. Friend pretend to say there is? Has he not himself told us to-day—what I am sure we must all feel—that, as far as natural, indestructible advantages are concerned, this country occupies a peculiarly favourable situation for the manufacture of paper? The superiority of the foreigner is neither natural nor permanent, but arises out of the vicious system of legislation, which gives him for the time a partial monopoly of the raw material; and how indestructible that is we may judge from what has passed this very year, when the Emperor of the French—although for the time obliged to give way to the remonstrances of his subjects—has professed himself willing to rescind the existing prohibition and substitute for it a moderate export duty. Well, is my right hon. Friend such a faint-hearted Free-trader that he despairs of other nations coming round to the true doctrine on this subject? Is he so wanting in faith in that doctrine as to view a superiority, due to the artificially depreciated price of the raw material, as a durable, indestructible superiority, to be compared to those advantages of climate and soil which France and Italy enjoy in regard to their respective natural productions? Does he think it worthy of him as an English statesman—when he finds in the other countries of Europe a system as opposed to every principle of free trade and

of justice as ever existed in the world—to ask this House to pass a measure the certain effect of which will be to establish upon firmer ground than ever that false and vicious system? Is he prepared to build up a wall that may fence about that system of monopoly and postpone further than ever the advent of free trade principles upon the Continent? Let me draw the attention of the House to the nature of this export duty on the raw material. It is the nearest approach to a poll-tax to be found in the present day, unless you go to an Eastern country. When the poor labourer who has paid for his own humble clothing and that of his wife and children thinks to make a little profit by the sale of his worn-out, thread-bare garments, the State steps in, limits his market, depreciates his price, and for what object? For the payment of the army and navy?—for defraying the expense of the administration of justice, or any other great national purpose towards which he might be fairly called on to contribute? Not at all. It is that the rich people of his nation may be enabled to read books printed on paper of a better kind or at a cheaper price—that the manufacturers of his country may be enabled to extend their operations at his cost. I have been at the pains of making a rough kind of estimate of what such a poll-tax would amount to, under a system which my right hon. Friend the President of the Board of Trade, if I recollect rightly, in some of those interviews with which he was kind enough to favour the papermakers and myself, did not deem impossible to be adopted in this country. We were asked why we did not propose to put an export duty on English rags. I cannot conceive that any English Statesman would recommend anything so unjust. But I confess I am astonished that my right hon. Friend the Chancellor of the Exchequer should ask the Committee to do that which in effect will establish and continue on a firmer basis than ever such a system in foreign countries. Have we not had an opportunity, at least as far as France is concerned, of getting rid of that system? I can only suppose that it was by an act of forgetfulness that our negotiators, in concluding the late commercial treaty, omitted to stipulate for the total and immediate abolition of a prohibition so inconsistent with the whole scope and principle of that instrument. But you have still something in your power. You have it in your power

to negotiate with foreign countries; you have it in your power to say to them—If you will abolish the export duty on rags, we will abolish the import duty on paper. That is something to offer them as an inducement to modify their course; but you now ask the Committee to cast entirely away that argument, and leave them in the spirit of monopoly to carry on their odious and exclusive system. Now, let me ask, suppose that for any reason whatever, instead of an export duty on rags, our manufacturers had to pay an import duty, would the Chancellor of the Exchequer say there was no case in their favour? What is he doing at the present moment in the case of malt? He is taking off the prohibition on the import of malt. He has taken a Vote in Committee for a Customs' duty on malt of 25s. a quarter, the Excise being 21s. 9d.; so that there is just, as in the case of the paper duties, a difference of 3s. 3d, partly as a compensation for the cost and interference of the Excise; but has he not, in that 3s. 3d., included 1s. as an equivalent for the Customs' duty on foreign barley? I have some constituents who are maltsters, as well as some who are paper manufacturers; and in the early part of this Session I was led to press this matter on the Secretary for the Treasury, the intended duty being at that time 24s. I was told shortly afterwards that the Customs' duty on malt was raised to 25s.; and I have reason to believe that the Chancellor of the Exchequer did include the 1s. duty on foreign barley as one of the elements on which his calculation was founded. If he did not, he has furnished a very cogent argument for the hon. and learned Gentleman, the Member for Suffolk, when he shall move to raise the duty to 26s. I take it, however, that the Chancellor of the Exchequer did include the 1s. duty on foreign barley as an element in fixing the proposed Customs' duty on malt. But then he says that is a matter of home legislation; it is all right you should compensate a manufacturer for an impost which Parliament lays on; but we have nothing to do with foreign legislation? Nothing to do with foreign legislation! Have we not had our attention drawn to-day to the International Copyright Treaty? Did not the Chancellor of the Exchequer carefully remind us that we are bound to admit printed books at a low duty, because of the international treaty? I am quite astonished he should say that we have nothing to do with foreign legisla-

tion. On what is the whole commercial treaty with France founded, if we have nothing to do with foreign legislation? Does the House forget those passages in the instructions of the noble Lord to our Plenipotentiaries, in which they were distinctly told that the wine duties were not, perhaps, those we should have chosen to reduce, if we had looked only to the interests of this country and our own Exchequer? Were they not told to fix the Customs' duty on brandy at 10s. a gallon? But if they could obtain any considerable advantages to the country, they were at liberty to go down as far as 8s.; and has not that been done? Yet we are told we have nothing to do with foreign legislation! What is the meaning of a treaty at all, if it be not that the stipulations shall not rest on mutual understanding, but be carried out by legislation in each of the contracting countries? What did it mean except this—The wine duties were felt to be a less onerous form of taxation, but the Government were willing not only to shift taxation—which is in all cases an evil, but to substitute a more onerous form of taxation—in order to secure—what?—an extended market to the coal-owner, the iron-master, the cotton and other manufacturers. I wish carefully to abstain from the use of strong expressions. I am not arguing this case in the smallest spirit of hostility to the Government of the noble Lord, as he knows very well; but I have been asked by some of my constituents who have invested large capital in the paper manufacture to explain their case to the Committee, and I wish to do it with the most perfect respect to the Chancellor of the Exchequer and the whole of the existing Government. But I must say their course in this matter will involve the House, if it consent to this Resolution, in a mass of inconsistency. You say that the community at large may justly be called upon to bear some little inconvenience, such as an additional penny of income tax for a time, in order to obtain for the great manufacturing interests, which form large integral parts of the community, an extended market for their products. I do not find fault with that. I heartily and cheerfully supported my right hon. Friend in all his Resolutions to carry out the different parts of his Budget. There is that solidarity in a political community like this that you may fairly call on it to bear a small temporary inconvenience for the sake of obtaining a great advantage to

a particular interest in it. But then I ask, is not the case of the paper manufacturers a thousand times stronger than that of the manufacturer of hardware, pottery, or calico? They do not come to this House for an extension of their business, but to keep what they have got. That is all they ask; and you, while imposing an additional tax, which, whatever the Chancellor of the Exchequer may say, was felt extremely onerous by the community at large, in order to obtain advantages for the manufacturers of cloth and hardware and the sellers of coal—you tell the papermakers, "Oh, yours is a very different case." If a single cargo of paper were unjustly confiscated by the Chinese or any foreign Power, and compensation, after repeated remonstrances were refused, the Government would think it their duty to call on Parliament to sanction any addition to the taxation of the country and sacrifice any amount of valuable English lives, and impose on foreign countries the dreadful evil of war in order to enforce compensation for the loss sustained by the English merchants; but when a whole interest is at stake, when a body of persons, whose capital roughly estimated amounts to £5,000,000 or £6,000,000, and employing directly in the manufacture at least 20,000 persons, come and tell you that their whole business is threatened with ruin by the competition of rivals who by the aid of their respective Governments obtain their material at a price which is artificially depressed, you turn round and say, "We are very sorry for you, but the great doctrines of free trade compel us to buy in the cheapest market, and, therefore, if the French, or Germans, or Spaniards—who, by the bye, have entirely driven us out of the trade of South America—offer us paper one farthing per pound cheaper than you can make it, you must go to the wall. We do not even pay you the compliment of having a Committee of inquiry to ascertain whether your facts can be proved." They are told, indeed, that if they had been a little more active, a little more clever, they might have got more rags than they do in this country, and they might manufacture paper out of fibre; but substantially the issue after all is, they are to go to the wall; and, unless it turns out that the Chancellor of the Exchequer knows their business better than they do themselves, go to the wall the greater portion of them must. It does appear to me that my right hon. Friend has advanced as a maxim received and finally established

Mr. Puller

too strongly to be countervailed by argument, what I take on myself to say has never received, after deliberate debate, the general sanction of the House. I ask my right hon. Friend how far he is prepared to go? Is this doctrine of buying in the cheapest market to be of universal application? Is the present application of the principle merely the getting in of the thin edge of the wedge, so that in future it may be applied not to paper only but to cotton and other branches of manufacture? Is it so certain that the United States will not take a lesson from the right hon. Gentleman on this question? There is at this moment a great struggle for power going on in that country, and it is possible that at the next Presidential election the Republican party of the North may gain the ascendancy over the people of the South. We know that Protectionist opinions are strong in the North; and is it quite certain that, looking to the course taken by the Chancellor of the Exchequer, in this country, they will not say, "Here is an excellent opportunity of doing a good stroke of work for our own cotton factories," and follow it up by laying a duty on the exportation of cotton? What would be said when, as the result of such a policy, we saw the cotton-mills of Lancashire one after another closing their doors? My right hon. Friend referred to what was done in the case of corn, and told us that the growers of corn were subject to peculiar burdens, and that local taxation, including poor rates, county rates, &c., formed one of those peculiar burdens. I was rather startled to hear that statement fall from my right hon. Friend; for I have always believed that nearly one-half the rates in this country were paid by the occupiers—not of land, but of houses, and that in fact the burden of local taxation fell upon every other description of real property as well as land, and, moreover, that their real incidence was, not on the manufacturer of corn, not on the farmer, but on his landlord, for no farmer took a farm without knowing the amount of local rates to which it was subject, and estimating the rent he should give accordingly. The right hon. Gentleman also referred to the article of sugar. It is true that some years ago this country came to the determination to put an end to slavery in her Colonies. But did we put an end to it in the manner now proposed to be adopted with regard to the paper manufacturers? No. We said "slavery is a great crime, and it shall be

abolished, but we have been partners in the crime along with the planters; it was under the sanction of our legislation that they invested their capital in the property they held, and therefore we will give them £20,000,000 by way of compensation for their losses." That was a liberal and just mode of dealing with the subject. Then, when you abolished slavery you gave the planters protection against slave-grown sugar. It was thought reasonable to encourage them not to throw up their estates altogether, and probably that protection would have been continued had the planters been able to supply this country with the quantity of sugar we required. But it is material to observe that the sugar plantations were not formed on the faith of that protection. They were formed under the system of slavery, for the abolition of which compensation had been paid. When the Chancellor of the Exchequer says that protection to planters was abolished in the same way as he now proposes to act towards the papermakers, I demur to the statement. The noble Lord who was Prime Minister at the time the circumstance occurred came down to the House and asked it to abolish the protection given to the planters, not on the ground stated by my right hon. Friend, but on the grounds—first, that the Colonies were not able to furnish a sufficient supply of sugar for the country; and, secondly, on the ground that by the Treaty of Utrecht the Spaniards were entitled to send in their sugar on the same terms with the most favoured nations, and that therefore we could not impose a differential duty on the slave-grown sugar of the Spanish colonies. But even then, did the House deal with the planters in the short and summary way in which they are now asked to deal with the paper manufacturers? On the contrary, the noble Lord asked the House to give the planters every encouragement in their power. Facilities were given to them to procure labour from Africa; and, above all, the discriminating duties in favour of British manufactures were abolished and the planters enabled to buy the articles they wanted in the cheapest market. Sir, I should have no difficulty in meeting the argument drawn from the case of the shipowners and other trades, but I feel that I have dwelt long enough on this branch of the question before the Committee, and will only say further that I doubt whether my right hon. Friend can produce a single instance in which any Go-

vernment has come to this House and said they wished to reduce the price of the produce of any branch of industry at the same time that they did not hold out the means of diminishing the cost of production.

I will now say a few words on the subject of the treaty, and I quite agree with the Chancellor of the Exchequer that we should endeavour first to ascertain from the treaty itself what were the real intentions of the two Governments. As regards the English Government, you will find that they had these two points in view—first, to secure the revenue of the country from loss beyond that which was stipulated for; and, secondly, to secure the manufacturers of this country from suffering any loss by being exposed to unfair competition. Then, with regard to the French Government, I do not find on their part any indication of a desire to secure the abolition of duties on all kinds of articles, but only on those articles that are specifically mentioned. If that be so, then what evidence does the correspondence furnish as to the intentions of the two Governments? The intentions of the French Government are shown in Lord Cowley's letter. By that letter it will be seen that the French Government specified silks of all kinds, and articles of Parisian manufacture; also that the duties on French wines should be reduced, and that "French brandies should be admitted at a duty which should not exceed the Excise duty levied on spirits distilled in Great Britain." They did not ask for a sweeping abolition of duty on all manufactured articles, but on certain articles which were specified, and all of which are mentioned in the treaty. Well, then, coming to the treaty, what does "merchandise" mean in the 7th Article? One construction is that it means "all merchandise." But that will not do for the Government of this country, because it would let in tobacco, beer, corn, &c., at no duty at all, and cut away many of the great sources of Customs' revenue. My right hon. Friend contends that "merchandise" means "all excisable merchandise." By why did not the negotiators say so? Why did they leave out these words "all excisable." The instructions given by the noble Lord (Lord John Russell) were as clear as day, and if a lawyer had been at his elbow they could not have been more precise. The Plenipotentiaries were instructed to frame an Article by which—

"The duties of Customs generally on articles imported from France into this country, but which

are subject here to duties of Excise, shall be reduced to a rate as nearly as may be equal to that of the duties of Excise."

The question for the Committee, however, is not what the Government intended, but what the Plenipotentiaries did. Did they follow out the instructions of the noble Lord? It is quite clear they did not, that instead of making the formal instrument more precise than the instructions, which is the usual course, they made it less precise; that instead of saying "merchandise subject here to duties of excise," they said simply "merchandise." Is it to be supposed there was no reason for the change? If the construction argued for by my right hon. Friend is the true one it renders the treaty of no avail so far as all the articles recited in the 8th Article of the treaty, about which the French Government were more especially anxious, were concerned. The meaning of the words which begin the 8th Article, "in accordance with the preceding Article," is quite clear, and all that follows in the Article is governed by those words. The object of the 7th Article is to prescribe the rate of duty on those articles that were introduced from France. If the articles specified in the 8th Article are to be admitted as belonging to a general class, mentioned in the 7th—namely, as is contended, excisable articles, then whenever the excise is taken off, they will drop out of the treaty, and lose their right of admission. But if the 7th Article be construed to settle only the rate of Customs' duty then each article mentioned in the 8th has a distinct and permanent right of admission, whether it be in the class of excisable articles or not. What would be the result to the French Government of adopting the construction of the Chancellor of the Exchequer? There would be placed in the hands of the Government of this country the power, by taking off the Excise duties on the articles mentioned in the 8th Article, and about which it is admitted the French were particularly anxious, of putting what Customs' duties they pleased on these articles, thereby rendering the treaty waste paper. If the Upper House had passed the Bill for the repeal of the paper duty, the English Government, according to this construction, might have asked Parliament to put a duty of 1s. per lb. on paperhangings. This would have been a pretty security to the French Government for the admission of their paperhangings. It is impossible to suppose that the French ne-

gotiators, if they were in their senses—and the Committee are bound to suppose that the negotiators on both sides were honest and capable men—could ask the Emperor to sign a treaty of which the 7th Article is capable of such a construction as the Chancellor of the Exchequer puts upon it. I contend that “merchandise” does not mean either “all merchandise” or “all excisable merchandise,” but simply “merchandise.” The 7th Article does not pretend to say what merchandise shall be admitted, but it fixed the rate of Customs’ duties at which articles shall be admitted, and it leaves it to the 8th Article to say what articles shall be admitted. To the English Government was thus secured the right of raising the duty on French articles, if they found it necessary to raise their own duties, as has already been done in the case of spirits, and, on the other hand, the French Government obtained security, that if the English Government took off the Excise duty they should not be at liberty to put on any duty they pleased. A security which would have been very valuable to them if the House of Lords had passed the Bill for repealing the Excise duty on paper. I beg to thank the House for the great indulgence with which they have listened to a long, and I fear fatiguing address, on a subject involving so many phases that I could not compress it so much as I could have wished. Even if the Government were right in the strict construction of the 7th Article, which I am confident they are not, still I contend the spirit of the treaty gives the English manufacturers protection against unfair competition. I cannot think so ill of the Emperor of the French as to believe that he would desire to take advantage of his own wrong. The President of the Board of Trade told us in a former debate, that the treaty laid down principles, but that the details were to be worked out afterwards, and were to be made the subject of a supplementary treaty, which he led the House to suppose would include both rags and paper. If the Government adhere to their construction of the treaty there is still ample ground for bringing this question under the observation of the French Government, and for representing that it is contrary to the spirit of the treaty for them to claim the admission of French paper under the treaty, while they continue their prohibition on the export of French rags. This matter might well be the subject of a separate negotiation; and

I have therefore placed in your hands an Amendment that at this time it is not expedient to assent to the reduction proposed by the right hon. Gentleman. The hon. Member concluded by moving the following Amendment:—

Amendment proposed,

“To leave out from the word ‘That’ to the end of the proposed Resolution, in order to add the words ‘without desiring to prejudice the question of a reduction at a future period of the Customs Duty on French Books and Paper, this Committee does not think fit at present to assent to such reduction.’”

MR. CHILDERS said, that the question before the Committee had been argued upon three grounds—that of national honour, that of political principle, and that of fact. On the first ground several cogent arguments had been adduced to the Committee by the Chancellor of the Exchequer, and his hon. Friend the Member for Hertfordshire (Mr. Puller) had cited some great authorities on his side of the question. To those authorities he (Mr. Childers) would take leave to add one. When the Bill for the repeal of the Excise duty on paper was read a third time, an hon. Member raised his voice in its favour in the strongest manner; he asked the House not to reject the Bill, because the inevitable result of refusing to repeal the Excise duty would be that it would be impossible under the terms of the treaty to continue the protective Customs’ duty on foreign paper. The Committee would perhaps be astonished when he told them that that hon. Member was no other than his hon. Friend. On the second point—that of political principle—he would not touch. But as to the question of fact, there were one or two statements which he (Mr. Childers) would wish to lay before the Committee. It had been assumed by the hon. Member for Herts and by others outside the House that the great papermaking countries of the world imposed either a high duty or an absolute prohibition on the export of rags; and, taking that fact as a basis, they were told that they were bound to maintain some kind of imposition in favour of the papermakers of this country. But this was not the fact—the principal papermaking countries of the world did not place any prohibition on the export of rags. France at the present moment produced annually about 71,000 tons of paper; the Zollverein about 40,000 tons; these two countries and Belgium were the principal instances cited. But the United

States, which produced annually 120,000 tons of paper out of from 170,000 to 180,000 tons of rags, placed no duty whatever and no prohibition on the exportation of rags; nor did they protect paper, except by the ordinary *ad valorem* duty which was imposed upon all imported manufactures. The Chancellor of the Exchequer had very clearly stated the condition of the paper trade at this moment, and had shown that for years past our export of paper had considerably exceeded our import of rags; in fact, that more rags were produced in this country than were necessary for the paper consumption of the country. In 1853 the import duty on paper was reduced from 5*d.* to 2½*d.* a lb., in spite of the opposition of the then hon. Member for Edinburgh (Mr. Cowan), who then represented the paper-makers of the country, and who prophesied that the trade would be ruined. But what has taken place? Why, that the year 1853 was the commencement both of a great increase of production and of the great export trade in paper from this country. Before that year the export was only 5 or 5½ per cent upon the whole production, but since then the amount exported had reached 9½ or nearly 10 per cent upon the whole production of paper—in fact, the reduction had opened a wider field to industry. In like manner he believed that this reduction from 2½*d.* to 1½*d.* instead of injuring the papermakers would be more likely to benefit them by opening the field to their skill and industry still wider. The hon. Member for Herts had taken exception to several statements of the Chancellor of the Exchequer as to the effect, on particular foreign trades, of his proposition; but he (Mr. Childers) could give the House some interesting facts relative to the paper trade where England and France stood on the same footing of unrestricted competition. Supposing there were no differential duty against foreign paper in England, the hon. Member contended that England would be at a disadvantage in competition with other countries. If that were so it might be assumed that at present at any rate, in the British Colonies, British paper was at a disadvantage as compared with foreign paper. But what was the fact? He would take the case of Canada. The population of Canada was well known to be partly French, and in Lower Canada the majority of the population were French, who would therefore naturally prefer French produce. But in the year 1857, the import of paper by

Mr. Childers

Canada amounted to £78,500, of which £50,000, or about two-thirds, came from England; £26,700, or about the remaining one-third, from the United States; and the amount imported from France and the Continent was only £1,800 altogether—less than a fortieth part. Again, in Victoria, the entire value of the paper imported was £158,500. The portion of that amount which came from the United States and all other foreign countries was only £2,500, and the whole of the remaining £156,000 came from our English manufacturers. In the case of India, the item of paper was mixed up with that of books and stationery under one head; and the whole amount of import into that Colony of the three articles was £227,000. Of this amount, £182,000 was contributed by Great Britain, either directly or through Egypt, and France furnished only £20,000; the remaining £25,000 coming from all other nations, including the United States. So at the Cape the total imported amount was £22,000, of which only £500 came from foreign countries, the whole of the remaining £21,500 being furnished by Great Britain. The total export of paper from this country was between 7,000 and 8,000 tons a year. In the Colony of Victoria a newspaper was published which had the largest circulation in British territory after *The Times* and two or three of the penny papers in London. The circulation of this paper, *The Melbourne Argus*, was something about 14,000 a day. It represented a large amount of capital, and one of the partners in the concern resided habitually in this country, mainly in order to make the necessary purchases for the paper, and to direct operations for the purpose. One of the principal of these purchases was paper. The consumption was about 200 reams of newspaper paper a week, making 360 tons a year, or about one-twentieth part of the entire quantity exported from this country. Now, this amount was so large that the purchaser would feel little hesitation, if he could get paper cheaper and as good in France and Belgium, in having recourse to those countries. The Committee well knew that in these matters nationality was not a very material consideration. A penny a pound would produce a saving of £3,360 a year; a farthing nearly £1,000 a year. But the whole of this paper was purchased in England, because it was the cheapest market. During the seven years in which the purchase for this journal were made at home, not one pennyworth of foreign

paper had been shipped for it to Melbourne. Now with these facts he thought the Committee might safely assume that the interest of the paper-makers was safe in the hands of the Chancellor of the Exchequer, in whose Resolution he fully concurred.

MR. FRANK CROSSLEY said, the question they were now discussing was neither more nor less than "Protection v. Free Trade," and he rejoiced to think that this was the last time the question would ever be before the British House of Commons. Protection meant robbing somebody else. This was the true English of the word. It was impossible to protect a class of men except at the expense of somebody else—that was to say, of the general public. Much had been said as to the duty on rags, and much more had been made of it than it deserved, for a very large proportion of the paper was made of cotton waste, rope, and other fibrous substances, and with the former material it was impossible that any country could be better supplied than England, having so many cotton mills close at hand. A special case was always forthcoming to support protection, but they had found its abolition had invariably been followed by the greatest possible good, whether they looked at the corn-grower or any other class, and he believed that these paper-makers would do very well after the reduction of these duties. Much had been said about France having got all she could, and given as little in return as possible. Now it was within the last three weeks that he had been to France, having been appointed one of a deputation by gentlemen engaged in the same trade as himself to visit France, in order to assist the French Commission in the settlement of the duties to be charged under the treaty, and he had no hesitation in saying that the French appeared anxious, not only to do all that they had bargained to do, but even more; and that they desired to have it understood amongst their own people, that whatever they lost by the treaty one way they would gain the other by the increased trade with this country. The French people had already got rid of much of the fear which they at first entertained as to the effects of the treaty. They doubtless wished to make as much revenue as they could out of their English imports. But it was impossible for them to make a revenue by imports, unless they adopted such duties as would allow the goods to be imported. The hon. Member for North Warwickshire

entertained the opinion that the duties on English goods exported to France were paid by this country. No such thing. Our prices were fixed in this market, and if our goods were purchased and sent to France, if France imposed the duty the French paid for it, not the English. Of course it was desirable that the impost should be as light as possible, as the heavier it was the more prohibitive it became. He trusted the Committee would not stultify itself over this seven-eighths of a penny per pound duty, but agree to the Resolution, seeing the trifling quantity of paper that was annually imported.

MR. MAGUIRE : I, Sir, must be excused if I refuse to regard the question now before us in a political or party aspect, or to calculate as to what may be the consequences of the decision to which we are about to come, to one side of the House or to the other. I have no party leanings, no party bias, no party vengeance to carry out; and having, from the commencement of the Session, given to the Government a general, though independent support, I should be willing to support them on the present occasion if I felt that their proposal was fair and just, and for the general advantage of the country. I wish, then, to deal with this question on its merits, and on its merits alone. The question raised by the Amendment of the hon. Member for Hertfordshire is limited to this narrow and single proposition,—are we at the present moment in a position to abolish the Customs' duty on foreign paper? In order thoroughly to understand the proposition now before us, it is absolutely necessary to go back some months in our Parliamentary history, and refer to the speech of the Chancellor of the Exchequer, delivered in this House on the 7th of February. In that speech, which was remarkable for every excellence which should characterize a great and grave statement of the financial position of a vast empire, there was no portion of it which was more carefully elaborated than that devoted to the consideration of the Excise duty on paper. The right hon. Gentleman, in the course of his speech this evening, courteously sneered at the "pathetic manner" in which a petition from the paper manufacturers of Ireland was presented to the House; but in his own magnificent statement of the 7th of February, he exhausted not only the powers of argument and illustration, but likewise of pathos, in describing the deplorable condition of the paper manufac-

turers of the United Kingdom. Let us now see in what manner the Chancellor of the Exchequer really did describe the condition of the trade in the month of February; for it is essential to the due understanding of the proposition now before us that we should consider the operation of the Excise duty, when we are asked to abolish the Customs' duty. He told the House and the country that the Excise duty was an impost at once "impolitic" and discouraging—that it was "a bad duty," which was "becoming untenable in law,—that it was hardly possible to describe the manner in which it obstructed skill and enterprise." Now let the Committee mark this further description of the evil operation of the Excise duty,—“that it helped to extinguish all the small paper manufacturers.” He added that “it caused the greatest soreness,” “from the sense of injustice that attends capricious and unequal laws,”—that it was “rapidly becoming incapable of being administered without discredit”—that it prevented the use of new fibrous material in the manufacture of paper; and he wound up a powerful appeal by calling on Parliament to remove from the statute book a duty which was burdensome and oppressive in its operation, and, he almost added, that which I freely add, iniquitous in its results. This was the statement made by the right hon. Gentleman, as the organ of the Government, and with that full knowledge which was at his command; and upon this statement and this representation this House consented to pass a Bill for the repeal of the Excise duty on paper. In me the Chancellor of the Exchequer had a willing listener, and a ready disciple; for I knew, from personal experience, that the description given by the right hon. Gentleman of the destructive operation of this duty was fully justified by the fact. I knew how fatally the pressure of the Excise had operated in Ireland, crushing the small manufacturers out of existence; and I believe that if its giant pressure were removed from that branch of our native industry, mills, now mouldering in ruin, and tenanted only by the owl and the bat, would again become scenes of busy life,—that many small capitalists would again lift their heads in humble independence, and that we might once more see, in our remote and sequestered villages, hundreds of men, women, and children happy and contented, because profitably employed. The Bill for the repeal of the Excise duty was passed by this House;

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but what has become of that Bill? It has been rejected by the other House of Parliament; and what is the consequence of that rejection? Why this,—that the paper manufacturers of the United Kingdom are, at this moment, in the same state of embarrassment and feebleness, and subject to the same restrictions, as they were on the 7th of February. I ask, does the Chancellor of the Exchequer entertain the same opinions as he did then? And if the Chancellor did not expect in February to be able to relieve the manufacturers from the grievous pressure of the Excise duty, would he have had the audacity to propose to expose them to undue foreign competition? If he could not then hope to free them from this crushing impost, would he have proposed to allow the foreigner to come in free of duty to compete with a trade so crippled and enfeebled as he described it to be? If the enterprise of the home manufacturer were fettered then, is it not equally fettered now?—if their inventive faculties were cramped at that time, are they not just as much cramped at present? The Chancellor of the Exchequer then maintained that if the Excise duty were abolished, new materials for the manufacture of paper would be found, or could be availed of; but the duty has not been removed, and, according to the facts and logic of the Chancellor of the Exchequer, there must be as much difficulty in finding or using new materials now as in the month of February. If, then, the position of the trade is the same in the month of August as it was in the month of February, I ask, is this the time at which, or are these the circumstances under which, we should expose it to foreign competition—to undue and unfair foreign competition? The question is one, I maintain, not of fanciful honour, but of common justice. The Chancellor of the Exchequer says that if we consider we have done an act of injustice, we ought to retrace our steps, and that the French Government have generously and handsomely given us the opportunity of so doing. I am not too proud to accept that offer, and I would avail myself of it with gratitude to that Government for its great condescension. I say, accept the offer, and postpone this proposal until you are in a better position to carry it out with fairness to your own people. The noble Lord at the head of the Government obtained our consent to the French Treaty, amongst other grounds, on the understanding that the prohibition

against the exportation of French rags was to be replaced by a liberal scale of protective duty. But was that expectation realized?—was that assurance justified by what followed? No, the promise was illusory, and absolute prohibition is the law of France at this moment. I do not care whether it was the Protectionists of France, the Legislature of France, or the Emperor of the French, who refused; it is enough for me that France refused to give us the raw material of a staple branch of our home industry; and, under those circumstances, I am against allowing the selfish French manufacturers to send their paper into this country free of duty. The Chancellor of the Exchequer says he hopes this House will afford no encouragement to the French Protectionists. I hope so, too. But how are we to discourage, and how encourage? If you vote for the Amendment of the hon. Member for Hertfordshire, you will give them no encouragement; but if you vote for the proposal of the Chancellor of the Exchequer, which means giving them all without obtaining any concession in return, the French Protectionists will be only more determined than ever in their opposition to free trade. The right hon. Gentleman has endeavoured to establish a precedent for the course he asks us to take, which is to allow the manufactured article in free of duty, while we are compelled to submit to a heavy tax on, or exclusion from, the raw material; and he has alluded to the fact that French shoes and boots, as well as French leather, are sent in duty free, notwithstanding that duty is imposed upon the raw material. One would almost imagine that the Chancellor of the Exchequer had been struck with sudden forgetfulness, when he ventured to illustrate his argument by such a case; because no man is more thoroughly conversant with the fact than the right hon. Gentleman, that the duty on the raw material was put on by the French Government after we had allowed French manufactured leather to come in duty free. The way not to afford encouragement to the French Protectionists is, to say to them—“We are anxious for free trade; we are willing to do everything we can to facilitate commercial intercourse between the two countries; but if we are ready to go the entire length, you must take some step in advance; and you promised to make that step in advance, when you promised a liberal protective duty on rags, in the place of total exclusion.” But if we say, as we do by this proposal, that

we are satisfied with total exclusion, when, in Heaven's name, will the French manufacturer ever give it up? To say that we will adopt free trade under every circumstance, because we are caught and carried away by the mere name of free trade, and that French manufacturers may continue to be as protective and as exclusive as they please, is not the way to bring about free trade in the real sense of the word. It is all very well to state that the French paper-maker will have to pay the same Excise duty as the home manufacturer; but I shall proceed to show, from practical authority, the different manner in which this duty affects the Frenchman on the one hand, and the Englishman or the Irishman on the other. A letter appeared in *The Morning Star* of this day from Mr. Rawlins, who, while advocating the proposition of the Chancellor of the Exchequer, thus describes the relative position of the English and foreign manufacturer with respect to the operation of the Excise Duty. The writer says:—

“On the one hand the foreign manufacturer will have the privilege of sending his paper to any port of entry in the kingdom, or to any inland town where bonded privileges are allowed, free of duty, to be warehoused in bond until sold. In all probability he will sell it in bond. The dealer will keep it in bond until he sells it to the consumer, and the large consumer, who is frequently a very large holder, will not pay the duty until he actually requires the paper for immediate use. More than this, the foreign manufacturer, after producing his article in perfect freedom from all restraint, may make it up in any sizes, forms, or packages, assorted with other goods, if for re-exportation, at all times consulting only the requirements of his market.”

I ask the attention of the Committee to this, the other side of the picture:—

“On the other hand, the English manufacturer will have only one bonded warehouse, namely, his own mill. This is always remote from the place of consumption. Before sending his paper thither he must incur a liability for the duty, which must be discharged within, upon an average, three weeks. Instead of consulting only his own convenience or the requirements of his customers, he must adhere as to form, and size, and package, to the regulations of an Excise Act, merciless to both, and descending into details which, if they were not so mischievous, would be positively ridiculous. If he wishes to export his paper he cannot make it up in packages assorted with other goods, but alone. He must wait six weeks from the date of the vessel's sailing, and then give a bond that the paper shall not be brought back before he can recover the duty he has paid.”

The Frenchman may send in his paper free of Customs duty, and not pay a farthing of Excise duty either; for it is the person who buys it, and takes it out of bond, who

has to pay the duty on it. It is the English, Irish, or Scotch customer who pays the duty, and not the French manufacturer. But the English or Irish manufacturer cannot so easily deal with this oppressive giant—this giant that has crushed to death, beneath his oppressive hand, so many of the small papermakers. The Excise takes full possession of his mill. The Excise is enthroned within its walls. The Excise seizes possession of the works, dogs every step in the operations, interferes with every process, makes experiment more costly, renders failure more humiliating, restricts energy and enterprise, and, as the Chancellor of the Exchequer has asserted, prevents the legitimate expansion of a great and important branch of trade. But these are not the only disadvantages under which the home manufacturer labours. In this country there is free trade in rags. Our rag market is open to all purchasers. The English or the Irish papermaker has to meet the American as a competitor; and when the price at all declines, in steps the agent of an American house, who purchases large quantities of the article, and thus raises its value. There is an enormous demand for rags in this country, and the price is naturally raised in consequence of this demand, which is increased by foreign competition. But in France they will not allow foreign competition, and there being only local demand for the article, the price is thus kept down; and so far from the rag merchant being able to command his market, the fact is that the paper trade of France impose their own terms, and arrange the price according to their own will. To such an extent are their arrangements carried that, as I understand, they regularly map out the country into districts, and a manufacturer who lives at a distance from the market can have his rags at a lower rate than the manufacturer whose mill is near or within easy access of the market. The Frenchman will not allow the British maker to show his nose in the French rag market, nor will he suffer him to carry off one ounce of an essential raw material from the shores of France; and yet we are asked to allow him to send in his manufactured article free of all duty to this country! Will you allow the French maker, who obtains an undue advantage by a selfish adherence to protection in its worst form, to take a further advantage by the operation of British free trade, and outsell your own manufacturers, to the

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injury of the men, women, and children of this country? I am as anxious for free trade as any one, but free trade must have some kind of reciprocity ["Oh, oh!" and "Hear, hear!"]. Well, let Gentlemen make the case their own, and see how they would like free trade without reciprocity. What would be said in Spitalfields, or Coventry, or Manchester, under similar circumstances? Would their silk manufacturers allow velvets, silks, and satins from France and Italy, to come in duty free, if France and Italy imposed the same prohibition on the export of the raw material of those fabrics as now exists on the raw material of paper? Or, suppose the American Government, for some purpose or other, whether for revenue, for protection, or for mere annoyance, imposed an export duty of 10 or 15 per cent on the raw material of cotton, would the hon. Members for Manchester, Glasgow, and Paisley, come down to this House, and vote for allowing cotton fabrics from the United States to come free into our markets, and beat our manufacturers out of the field. Yet that is exactly what the House is asked to do in this matter. France is shutting us out from the raw material of a great staple manufacture, and yet we are to open our ports and our markets to their manufactured article. Free trade, in my opinion, must be based upon the principles of common sense and common justice. It has been said that England is beating France in the American market; but I have been informed that a rider from the eminent house of Mr. Wrigley lately made an extensive tour in Canada and the United States, and the result of his elaborate and costly visit was that he did not bring home a single order—not because Mr. Wrigley is not able to give the best value for the money, and supply as good an article as any other maker in the world, but because Belgium and Germany have cut the ground completely from under his feet. If the Chancellor of the Exchequer believed in the truth of the deplorable picture which he drew of the sufferings of the paper trade under the restrictions of the Excise, how is it that he has taken no practical action for their relief? Neither he, nor the Radical advocates of free trade, nor the Whig party, have taken any practical steps to reverse the decision of the Lords, and remove the restrictions which cramp and fetter the energy of the trade; they have done nothing, save adopt a series of farcical Resolutions, meaning nothing, and

avoiding all real responsibility. The Government and their supporters have deserted the paper manufacturers, left them in the deplorable condition which the Chancellor of the Exchequer described; and not only do they thus desert them, and thus leave them, but the right hon. Gentleman now wishes to impose upon a trade so cramped, so fettered, and so enfeebled, the obligation of competing under the extreme disadvantage with the Frenchman, who guards himself selfishly from all danger in that competition. In what other instance, where there is prohibition of the export of the raw material, is the manufactured article allowed to come in free? [An hon. MEMBER: Leather.] The hon. Gentleman must not have been in his place when I alluded to that very article; but even though he were, the fact may well bear repetition. Some years ago, when we were liberal and generous to France, as we are now called on to be, and when we allowed her manufactured leather, as well as her boots and her shoes, to come in free, she immediately responded to our generosity and liberality, to our free trade, by putting a duty on the raw material. This single fact is a crushing answer to the Chancellor of the Exchequer's proposition. If the House adopt this proposition, under the peculiar circumstances in which the trade is placed, we will only be strengthening the hands of the French monopolists, and putting a stop to free trade for some time to come. The concession ought to be delayed until the French manufacturers have shown themselves ready to make some advance, and to do something in their turn, to merit our liberality. It ought also be delayed until, by the repeal of the Excise duty, the trade are placed in a position to encounter a new state of things. The adoption of the Resolution will completely crush the remaining small manufacturers. Are they now in a better position than in February, when the Chancellor of the Exchequer told the House the Excise duty had nearly crushed the entire of that class out of existence? Those of them still hanging in the balance, and on the brink of ruin, only require the appearance of Belgian, German, and French competitors in the market, cutting down their small margin of profit, to crush them altogether. I went heart and soul with the Chancellor of the Exchequer in his laudable attempt to do away with the Excise duty; but I cannot support him in his present scheme, which will only profit

the French monopolist. Sir, it is much better to postpone this Resolution to another year, when we may have a strong and united Government—a Government who will not only propose to repeal the Excise duty, but will have determination enough to carry it. Then, indeed, the paper trade would be placed in a position to stand competition; but, as matters now are, it is not. I do, Sir, appeal to this House, and call upon it, as it regards its own honour and dignity, and as it desires to protect the interests confided to its care, not to pass this unfair and unjust measure, but to say to the French Government, and to the manufacturers of that country—“Deal with us fairly and honestly, according to principles of equity and justice; deal with us as man ought to deal with man, and we will carry out our free-trade policy to its very utmost, not only for your benefit and advantage, but also for our own.”

MR. MARSH thought that the Committee would stultify itself if, after its former proceedings, it assented to the proposition of the hon. Member for Hertfordshire. The economic question lay in a small compass—it was simply this, whether they were to study the interest of the producer or the consumer? Surely they were bound to consider the former only. It had been said that we ought to have some reciprocity established in this matter. Now that was a principle which had been over and over again given up. If ever there ought to be a case of reciprocity surely it was that of our shipping. Nevertheless Parliament had thrown that consideration completely aside, and he hoped no weight would be allowed to it in the present instance. French paper was introduced to a very small extent into our colonies. The fancy paper for hangings, in the manufacture of which the French were superior to us, entered, no doubt slightly into those markets; but in every other description of the article, our manufacturers undersold and drove their foreign rivals out of the market. He could hardly believe that the French, who used so large an amount of paper, could have more rags than were sufficient for their own consumption, because it was quite clear that if they had more than enough for their own purposes, the surplus must be either exported or be allowed to go to waste. Now nothing of the kind had ever happened. And if France had just enough for its own consumption, the immediate effect of opening our market to French manufactured paper

would be to raise the price of rags in France to the same level as in England. The hon. Gentleman asked for an instance of the raw produce being prohibited whilst the manufactured article was admitted. He (Mr. Marsh) would remind him that a short time ago gold was totally prohibited by the Mexican Government to be exported in its raw state, but the manufactured article was allowed to pass freely. The hypothetical case put by the hon. Gentleman of the Americans putting 10 or 15 per cent duty upon the export of their raw cotton, was so absurd as not to be deserving of argument. He hoped that the House would not break through the principle of free trade by insisting upon this last rag of protection in regard to an article which furnished the strongest possible case for the recognition of the principle, nor practically break an important commercial treaty on the weakest plea ever presented to its notice.

SIR HUGH CAIRNS : Sir, the Chancellor of the Exchequer has advanced two arguments in favour of his Resolutions. He has said that we are bound to the Resolutions by the provisions of the treaty, and that we are likewise bound to them by the principles of free trade. I think there is something suspicious in this division of the argument. If we are committed by the provisions of the treaty, what necessity was there for any further reason? While, on the other hand, if we are not committed by the provisions of the treaty, I want to know what is the justification for resuming on the 6th of August a discussion which the Notice Paper tells us has slumbered since the 2nd of April, and which might very well have slumbered until the next Session of Parliament. But I must confess that I see in this duplication of the argument an evidence of the weakness of the case. The object of the Chancellor of the Exchequer is transparent. If any person should hesitate as to the provisions of the treaty binding him on this point, he was to be caught by a brilliant appeal to the principles of free trade. If, on the other hand, any sound Free-trader in the House should think that the principles of free trade were perverted and misapplied by these Resolutions, then he was to be entangled and held captive in the meshes of the French treaty. But the net has been laid in our sight, and I trust it has been laid in vain. I am desirous, however, to consider for a moment the twofold view of the argument which the Chancellor of the

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Exchequer has presented; and it will be strange enough if even his powers of persuasion will induce the House to believe that two propositions, each in itself halting and infirm, can be combined together so as to make one sound and trustworthy demonstration. The Chancellor of the Exchequer says it is the question of free trade and protection over again, and he speaks of the subject as if this question of the duties on paper was some neglected and overlooked remnant of a protective system which had escaped the purifying effect of modern legislation, merely through an accidental omission. Now, I think it is important to inquire in the first place, when were these duties settled and by whom were they settled? The matter does not date further back than 1853. In 1853 the right hon. Gentleman was Chancellor of the Exchequer, and the Secretary to the Treasury was an experienced and noted Free-trader, Mr. James Wilson. What happened in 1853? I have some recollection of the circumstances, because it was my duty to take part in the discussion which then took place. Mr. Wilson addressed himself to this question deliberately and clearly, with the assent of the Chancellor of the Exchequer, for the purpose of ascertaining what Customs' duty would be fair and proper, having regard to the fact that the exportation of rags from foreign countries was either taxed heavily or prohibited totally; and, after consideration, taking the Excise duty as the basis, and adding on something more than a penny to balance the prohibition of rags, the Chancellor of the Exchequer and Mr. Wilson proposed the Customs' duty on paper which is now the ruling duty. I see the Chancellor of the Exchequer shakes his head, but I beg to tell him what I know and what I have tested by reference to the discussion which then took place. I thought it my duty in Committee to submit that upon the principle on which the Secretary to the Treasury proceeded the Customs' duty on paper should be 3*d.* and not 2½*d.*, and I said, what I still believe to be the case, that the calculations of Mr. Wilson were erroneous, because, taking the Excise duty at 1½*d.*, and the duty to balance the prohibition of rags at 1¼*d.*, the Customs' duty should be as near as possible 3*d.* I was not supported in Committee, and the duty was fixed at 2½*d.* only; but it was fixed upon the principle, though I think the calculation was not correct, that there should be added to the Excise duty a sum to counter-

vail the disability under which the paper-makers laboured in procuring the raw material. But 1853 was seven years ago, and the Chancellor of the Exchequer changes in a shorter space of time. To come to a more recent date, I take the present year, and the letter of the Secretary for Foreign Affairs, in which he laid down the principle, considered by the Government to be sound, with respect to the regulation of Customs' and Excise duties. On the 17th of January, Lord John Russell, writing to Lord Cowley, said :—

“ Her Majesty's Government will be limited in what they design or adopt solely by two considerations, the necessity for raising a revenue sufficient for the purposes of the Empire, and the duty of making an equitable adjustment of burdens as between commodities that more or less directly compete with one another in the general market.”

That is the principle which is laid down by the noble Lord on the part of Her Majesty's Government as the foundation of the Treaty with France. But is not this the principle on which you acted in 1853 with respect to the papermakers? You found existing certain burdens, and you found that there must be an equitable adjustment, and not a free competition in the general market. Therefore, as an equitable adjustment, the Government settled the duties on the present scale. I do not stop to comment on the good taste of the Chancellor of the Exchequer, who on a question of this kind, deeply interesting, as he knows, to a large and important trade, did not think it beneath his dignity to sneer at and revile that trade, because the subject is a matter of rags, and to call the question a “ragged question.” Neither do I stop to inquire into the accuracy and fairness of the right hon. Gentleman in telling the papermakers that they wear gloves and drink wine, but forgetting to tell them that they pay 10*d.* in the pound income tax. I appeal to the Committee to consider for a moment what is the case of the papermakers, and what are their allegations. Of course, they are bound to prove their allegations, and if on inquiry their allegations should not be found to be true, I should then admit that their case could not be sustained. There is no doubt as to what is the statement of the papermakers, for they make it boldly and distinctly. They say, in the first place, that their trade produces £6,000,000 in value a year, and employs between 40,000 and 50,000 persons; that the raw material they use is the despicable material of rags;

that the supply of rags in this country is limited, and not producible at the will of the manufacturers and consumers; that they are consequently obliged to look to foreign countries for a part of the supply they stand in need of; and that they find in foreign countries either a prohibition on export, or an export duty amounting on an average to £9 per ton; they say that such a duty would amount to a tax on manufactured paper of something like 1½*d.* in the pound; that it is indifferent to them whether the tax on the raw material be an export duty abroad or an import duty at home; that, as the law stands, a large quantity of foreign paper is introduced into this country and consumed, and that the proposed alteration of the duty would give so great advantage to the foreign manufacturer, that they will no longer be able to compete with him. They also state that the bonding-warehouse system enables the foreign manufacturer to pay the duty at the time when he takes his goods into the market for sale, while the home manufacturer has to pay the duty at the time of manufacture. That is the case of the papermakers, who profess their readiness to engage in unrestricted competition with the manufacturers of other countries, but who contend that the principle of free trade ceases to be applicable when foreign countries prevent the manufacturers of this country from obtaining the raw material. Now these are statements which require a careful examination on the part of the House of Commons before they adopt the proposition of the Government; and it would be idle to expect that such an examination can be instituted in the course of the present Session. How are these statements met by the Chancellor of the Exchequer? He says that throughout the whole course of modern legislation the House has refused to retain a protective duty on the ground that a tax is imposed in foreign countries on the export of the raw material. One of the instances the right hon. Gentleman adduced of the truth of the statement was the course taken by Parliament in the case of the abolition of slavery in the West Indies. But that is a very unfortunate case for the purposes of the right hon. Gentleman's argument. He forgot to tell the House that when slavery was abolished in the West Indies £20,000,000 was paid by way of compensation to the colonial proprietors, and that a differential duty in favour of colonial sugar was for many years retained, of which differential

duty the right hon. Gentleman himself was a most decided advocate. The other instance was the case of leather; but the fact is, that it was after, and not before, we admitted into this country the French manufactured article, that the French Government put an export duty on the raw material. The right hon. Gentleman said that France would be a dear market to go to for the purpose of buying rags. I do not know on what authority the right hon. Gentleman makes the statement, but it is inconsistent with the statement made by a gentleman of very high character, brother to a gentleman who is a Member of this House—and who has declared that this very year he has bought rags in France, some of which cost him only one-half, and others one-third of the price at which he could have obtained them in England. The Chancellor of the Exchequer and Mr. Cowan are thus at variance on this point, and as the matter at present stood I must leave each man to judge for himself which of them is the more reliable witness. The Chancellor of the Exchequer said that you export from England a large quantity of rags to France. That assertion was made before by the President of the Board of Trade, but the answer given by the papermakers was that, no doubt, in one year a number of tons of rags were exported to France, but they were woollen rags, and not for the manufacture of paper at all. Another statement of the Chancellor of the Exchequer was that paper from England competed successfully with French paper in America; but the right hon. Gentleman forgot to mention how much of the paper charged in the American returns as imported from the United Kingdom had been previously imported into the United Kingdom from Belgium, the Zollverein, and Germany, from whence it had been sent to our ports for the purpose of being conveyed to the United States. I do not desire a retrograde policy. I do not desire that we should retrace our steps from that policy of free trade which I will not deny has proved beneficial to the country. I should be the last man to undo what has been done in this respect. I do not state these things as facts from my own knowledge; but what I say is, that the fair course would be to inquire into them when there is time and leisure to do so. The papermakers must be prepared to stand or fall by the facts which they allege, and if the case turns out as it is represented to be by the Chan-

cellor of the Exchequer, they must take the consequence. But I contend that this is not the time of year, and that we have not the materials to conduct the inquiry or decide the question at issue.

Here I leave the energetic appeal made by the Chancellor of the Exchequer to the principles of free trade, and I come to what I think is the only question which at this time the Government should have ventured to submit for our consideration—namely, whether we are bound by the assent given to the French treaty to assent also to the present Resolution? That involves, in the first place, the construction of the French Treaty—and here I must tender my thanks to the right hon. Gentleman for the very benignant admission which he was kind enough to make, that the House of Commons in this matter are not to be bound by the opinion of the law officers of the Crown. I am sure no one will respect those opinions more highly than I shall; but I am glad that we are allowed the exercise of some judgment of our own upon this matter. Now, I utterly deny that the question of the construction of this treaty is a question merely for lawyers. It is a question of plain sense, and of the plain construction of words; and I will undertake to show to the Committee—whose judgment on the construction of the words I would take as willingly as that of any tribunal with which I am acquainted—that in the construction which I put upon the treaty I am supported both by the opinion of the Government and by the vote of the House of Commons. The form and scope of the treaty, I think, are reasonably clear and plain. Any one who looks in the most cursory way at the English engagements which it contains will see what is the course adopted. In the first place, the treaty deals with a long list of enumerated articles with regard to which it provides that they are to be allowed to enter this country absolutely free of duty. That is a simple provision, and required no explanation of the principle upon which it proceeds. Then the treaty touches the case of wine, and provides that the wine duties shall be regulated according to the amount of spirit which the wine may contain. Having thus disposed of articles which are to be admitted free, and of wine which is to be the subject of a varied duty, we come to the 7th and 8th Articles which I say are to be interpreted together, and which themselves show that they are to be so interpreted, because the

8th is introduced by words which state that it is in consequence of, and as a corollary to, the 7th. The result, therefore, is that in the 7th Article you have got a statement of the general principle upon which those who entered into the treaty are at that stage of it about to proceed. You have got a reference, carefully worded, though in an indefinite form, to "merchandise," without specification, and without definition, leaving you to wait for the enumeration and specification, in the Article which is declared to be a supplement to the general Article. Then, in the 8th Article, there is, as the Chancellor of the Exchequer has told us, an enumeration of four or five articles of manufacture which are there specifically provided for. Take first the case of brandy. The Chancellor of the Exchequer says it is inserted there in connection with the surtax. I grant it. I take next the article of paperhangings. Why are they mentioned there? I say there is no reason you can assign, except one—namely, that the 8th Article was meant to be an enumeration of the objects to which the general principle laid down in the 7th Article was to extend. The Chancellor of the Exchequer feels this difficulty, and how does he meet it? He says paperhangings are mentioned in the 8th Article in order to show that there was to be no surtax on them. Let us try the argument. You have the 7th Article, declaring that it should be absolutely in the power of the British Government to add to the amount of the Excise duty something in the nature of a surtax when they come to fix the foreign duty; and then the Chancellor of the Exchequer would have us believe that the 8th Article, which professes to be an article "in accordance" with the 7th, provided that there should be no surtax on paperhangings at all. The language of the 8th Article, so interpreted, would be perfectly and utterly ridiculous. It cannot stand the test of reasoning for a moment. It is impossible in interpreting the 8th Article to derive any meaning which is not in accordance with the 7th; whereas the Chancellor of the Exchequer's interpretation would make the mode in which paperhangings are dealt with not in accordance with, but in entire dereliction of and contradiction to, the 7th Article. This is the only reason suggested by the Chancellor of the Exchequer why paperhangings were mentioned, and I say it is a reason which is utterly unsustainable in point of con-

struction, and of argument. So with regard to the duty on gold and silver plate. I say no reason can be assigned why gold and silver plate are mentioned in the 8th Article, the duty professing to be the same for Customs and Excise. [THE CHANCELLOR of the EXCHEQUER: They are not the same.] It is stated so in the treaty. [THE CHANCELLOR of the EXCHEQUER: Not at all]. It seems, Sir, that notwithstanding all the discussions we have had on this subject that the right hon. Gentleman has not read the treaty. The words are that gold and silver plate are to be admitted from France, "at a duty equal to the Stamp or Excise duty," and therefore those who framed the treaty dealt with it as an Excise duty. The Chancellor of the Exchequer suggests the quibble that it is a Stamp duty, and not an Excise duty, whereas in the treaty the two are spoken of as perfectly synonymous. I say, then, that no reason can be assigned for the introduction of paperhangings, or of gold and silver plate into the 8th Article of the Treaty, except on the supposition that that Article was meant to be at once the enumeration, the limit, and the extent of the general words of the 7th Article. The Chancellor of the Exchequer says, "Adopt this construction, and what is the use of the 7th Article at all?" I answer, that its use is manifest, and it is of great importance that the right hon. Gentleman should know that use. He said that if the House of Commons thought fit to double the Excise duty on paper, such was the stringency of the 8th Article that they could not raise the Customs' duty on paper. I deny it. [THE CHANCELLOR of EXCHEQUER:—I alluded to cardboard.] Yes, that is a slip of mine, but it makes not the slightest difference to the argument. The right hon. Gentleman says that if the House of Commons thought fit to double the Excise on paperhangings or cardboard they would have no power under the treaty to raise the Customs' duty. I say that it was in order to give such a power that the 7th Article was introduced. The words are that "merchandise" shall be admitted into the United Kingdom from France "at a rate of duty equal to the Excise duty which is or shall be imposed upon articles of the same description in the United Kingdom." Since the treaty was made the Chancellor of the Exchequer has raised the Excise on spirits 2s. per gallon, and on the same night took a vote which was immediately

to be acted upon at the Custom House, imposing on the importation of foreign spirits a corresponding additional duty of 2s. a gallon. To-night he tells us that that was a violation of the treaty, and that he had no authority whatever for doing so. ["No!"] Yes. That is not my argument; it is the argument of the Chancellor of the Exchequer. He says the House of Commons may double the Excise on cardboard, but cannot raise the Customs' duty. Well, brandy is in the same position as cardboard; you may add to the Excise on British spirits, but, according to the right hon. Gentleman's argument, the treaty deprives you of the power of increasing the Customs' duty. I hope the Chancellor of the Exchequer will explain what he means. Both brandy and cardboard are in the 8th Article. He says that Article was intended to stereotype once and for ever the Customs' duty at one precise and fixed sum; and if that is the case—if the duty on brandy was stereotyped at 8s., and that on cardboard at 15s.—what right had the Chancellor of the Exchequer to propose any increase in the Customs' duty on foreign spirits? I think the Chancellor of the Exchequer was right. I believe that he had the power, and that the 7th Article is introduced in order to give you a shifting right of varying from time to time the foreign duty according to the amount of the Excise. But then the whole of that 7th Article is referable to the limit fixed by the 8th, and it is the specific commodities in the 8th, to which the 7th is to apply.

I want to ask a still more important question. When did this construction of the treaty first dawn upon Her Majesty's Government? The Chancellor of the Exchequer has told us to-night that he could not have believed it possible five months ago that any one would have been found to say that, with regard to an article excisable in this country, there was any power under the treaty to have a foreign duty other than the Excise duty with a surtax; and he told us also that the Government had been careful not to entrap or hurry the House of Commons into affirming the treaty until it had had explained to it the bearing and operation of every one of its clauses. The hon. Member for Herts (Mr. Puller), mentioned to-night one circumstance with regard to the mode in which the treaty was dealt with—namely, that the Chancellor of the Exchequer submitted to the House two lists of articles, one of which was said to be a list of articles under the

treaty, and the other a list of articles not under the treaty; and that among the articles not under the treaty paper was included. The Chancellor of the Exchequer will find that he cannot answer that by saying that at the time the Budget was introduced he intended to propose the removal of the Excise duty, and therefore that he intended to hold that paper was free from the treaty; because, until he knew what would be the fate of that proposal, it would have been premature to assume that paper was not under the treaty. But upon this point I will not go into the case of paper. I will take a neater, more conclusive, and more unanswerable case—that of hops; and I will take that case because nothing can more precisely test the construction of the treaty than hops. In the case of hops you have an Excise duty and a foreign duty. The Government proposed in regard to hops to deal both with the Excise and the foreign duty. If the Chancellor of the Exchequer's view is right, if it was right five months ago, if five months ago he could not believe that any one could entertain any view but that which he now entertains, the course of the Government with regard to hops was clear. They must fix the foreign duty at the same rate as the Excise; or, if there was any difference, it could only be that of a sur-tax. But see what was done with respect to hops. In the speech of the Chancellor of the Exchequer introducing the Budget he mentioned the case of hops, and said that it would be convenient for the Committee to look separately at the articles which were under the treaty and the articles which were not; and he invited their attention to hops in that part of his speech which dealt with articles not under the treaty. But he did not stop there; that might have been an inadvertence. Upon the paper for the 5th of March—which was antecedent to the Motion approving the treaty—he placed a notice of his 13th Resolution, "reducing the duty on hops from the 1st of January, 1861, not under treaty." Hops "not under treaty!" The Resolution was, that hops should be charged "after the 1st of January, 1861, in lieu of the duties of Customs now chargeable, 15s. per cwt." That was placed on the paper for the 5th of March. On the 7th of March—which, if I remember rightly, was the very night on which, or the night next before that on which, the noble Lord the Member for Middlesex (Viscount Enfield) invited the approbation

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of the House to the Treaty—the Chancellor of the Exchequer, after some conversation, placed upon the paper an amended Resolution as to hops. What was that Resolution? “Mr. Chancellor of the Exchequer,—Reducing the duty on hops from the 1st of January, 1861 (not under treaty).” The House was not entrapped into any approval of the treaty! The Chancellor of the Exchequer took credit for this. He said,—

“It is very true that when we invited your approval to the treaty there was one single article upon which a vote had not been taken. That was hops; but it made no matter, because it was on the paper. You saw what was going to be done, and it was the same as if you had voted it.”

What was on the paper? Why, that hops, an excisable article—a customizable article—was to be dealt with by the House as an article not under the treaty. But that is not all, for what was the amended Resolution? Now observe, if hops came under the treaty, the Chancellor of the Exchequer had no choice. It was an excisable article, and the Customs duty must be the same as the Excise; but what was the amended proposition? That, after the 1st of January, 1861, until the 1st of January, 1862, in lieu of the existing Customs’ duty, there was to be charged on hops, on which the Excise duty was only 14s., a Customs’ duty of 20s. per cwt. But it does not rest upon the statement of the Chancellor of the Exchequer alone. He put it to the vote of the House, and he carried that vote; if the treaty is violated, the right hon. Gentleman has violated it. Is there any doubt what the Chancellor of the Exchequer did in Committee? I will read what he said, because he seems to have forgotten it. The right hon. Gentleman was appealed to on behalf of the hopgrowers to make a different arrangement; and what was his reply? He said he had

“Already made a reduction of 30 per cent on the duty, thereby sacrificing a revenue of £100,000, and he had given to the English producer a differential duty of 6s.”

He had in the face of the treaty given a differential duty—not a surtax, but a differential duty—to the English producer for one year, until the 18th of January, 1862, of 6s. per cwt. And this is the Chancellor of the Exchequer, who tells us to-night that he could not have believed five months ago that any man—out of a lunatic asylum I suppose, for that is his favourite expression—that any man out of a lunatic asylum could be found who would consider this treaty as meaning anything but that on an

excisable article you are bound to have a Customs’ duty the same as your Excise duty; and this is the Chancellor of the Exchequer who tells us that the Government were careful not to entrap the House into any hurried or mistaken view of the treaty, and that with that object, before the House approved the treaty, they had either taken all their votes or put them all upon the paper! Now, what was any one to think who read the Resolution about hops? There is the case of hops, an excisable article, and the Chancellor of the Exchequer tells us it is not under the treaty. He tells us, moreover, that he has given to the producer a differential duty of 6s. per cwt. for the year. It is very clear that excisable articles not mentioned by name in the treaty are free of the treaty, and that as with hops, so with paper, we are free to deal with either exactly as we think fit. The argument is conclusive. If the treaty has been violated it has been violated by her Majesty’s Government. I want to ask this question,—If the hopgrower is entitled to have for even one year a differential duty, why is not the papermaker entitled to have a differential duty? Has this peculiar construction of the treaty been devised and invented for the peculiar benefit or the peculiar torment of the papermakers? What is the meaning of this legislation, of this construction of the law officers adopted by the Government, which is to be applied to one trade and not to another? The Chancellor of the Exchequer talks of class interest; why, was there ever a class interest like this, that the same Government upon the construction of the same article of a treaty say that they are at liberty to give a differential duty to one producer, and are bound not to give it to another? But that is not all. That is the case of hops, and I think it would be sufficient to fix the Government as to the construction of the treaty; and I never heard that the French Government took any exception to that construction. I never heard that the French Government have remonstrated with Her Majesty’s Government, and said, “Our hopgrowers are not at all satisfied. The treaty has been violated. We are entitled to have our hops admitted to England, not in the year 1862, but before, under the Excise duty.” In truth, both the Governments have assented to and acted upon the construction of the treaty which I say is the true one.

With regard to paper, when the question

of the third reading of the Paper Duty Repeal Bill was before the House, it occurred to the hon. Member for Norwich (Mr. Warner) to ask whether the House, by passing that third reading, would be compromised when it came to consider the Customs' duty upon paper; and what was the answer of the Chancellor of the Exchequer—of a Cabinet Minister, who says that the Government were careful not to entrap or mislead the House of Commons into a construction of the treaty, which was not that upon which they were acting? The right hon. Gentleman stated, in reply to the hon. Member, that—

“The passing of this measure would not fetter in any way the discretion of Parliament as to the imposition of any Customs' duty on paper.”

Now, is the House of Commons misled? They were misled as to hops, they were misled as to paper. The Chancellor of the Exchequer, perhaps, will say, “I thought that if I could repeal the Excise, we were free of the treaty.” I will deal with that presently; but even if that construction were to prevail, I beg to remind the right hon. Gentleman that that does not dispose of the case of hops. He never expected to repeal the Excise duty on hops, and yet he talked of hops as not under the treaty. We must continue the history of the light that broke in upon the Government. Up to this time I think we may conclude that the Government were, notwithstanding the astonishment which the Chancellor of the Exchequer thinks now he should have felt five months ago—they were up to the 25th of April in blissful ignorance of any such construction as is now contended for. On the 17th of May the light began to dawn; and it was a remarkable day. Upon the 17th of May, I think, the Paper Duties Repeal Bill had passed this House, and had gone up to the other House; and there were rumours that the other House were not going to pass the Paper Duties Repeal Bill. Thereupon a question was put to the Chancellor of the Exchequer by the hon. Member for Halifax (Mr. Stansfeld). It was a purely hypothetical question, for it was not upon the Paper Bill; but it was a question which the Chancellor of the Exchequer was quite prepared to answer nevertheless. The question which the hon. Member asked was a hypothetical one—Supposing the House of Lords threw out the Paper Duties Repeal Bill, what would he do then? And further what would be said about the Customs' duties upon paper in that event? The Chancellor

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of the Exchequer made three statements. He said in the first place—it is a remarkable statement—I thought so at the time; and the more I have considered it since the more that opinion has been confirmed; he said, The question of the hon. Member has reference to a matter which, of course, was under the consideration of the Government at the time the Treaty of Commerce with France was being negotiated. They had considered it, therefore. It is very odd that having considered the question, they should have acted with regard to hops as they did. The second statement was this: that in his opinion no doubt did, or could, or should, or would be entertained as to the construction of the treaty; and the construction was: this—Let the House of Lords retain the Excise duty upon paper, and the Customs' duty upon paper must be reduced to the precise level with the Excise duty on paper made at home. That was the second statement. The third statement was this—There are certain cases in which a surtax might be claimed in addition to the Customs' duty; but as to this duty no claim for surtax has ever been made, or can be made. There will be no case as to paper for a surtax; because the inconveniences from the Excise duty are not so appreciable or calculable as to be capable of being reduced to money. But in the Resolution of to-night we have a surtax, although we were told there was no case for it. The inconveniences of the Excise are not calculable or appreciable; they cannot be reduced to money. The French Government heard that on the 17th of May, if they read our debates; and on the face of that statement the Chancellor of the Exchequer now proposes to have a surtax upon foreign paper. My observation upon these statements is this—that, inasmuch as that although he stated his opinion of the construction of the treaty at that time, and said that it had been under consideration when the treaty was negotiated; yet, as we find him acting for some months before in direct opposition to that construction; and inasmuch as on the same evening he said no surtax could be made, and no case had been made for any; and yet we find him now proposing a surtax—I am not without hopes that the Chancellor of the Exchequer will return to his original construction of the treaty—will abandon the surtax, and hold that, as he did with hops, so he may with paper, and leave the Customs' duty at its present amount.

I have submitted to the Committee the

construction which is, I think, the true construction of the treaty. I have shown the Committee that it was the construction which was adopted by the Government, which was acted upon by them; and, what is more important for us, was affirmed by the House of Commons in the case of hops; and now I want to point out what I think the Chancellor of the Exchequer is far from having sufficiently considered—the consequences of the construction of the treaty upon which he has to-night relied. This appears to me to be a question going far beyond the mere question of paper. The question of paper is very important to paper manufacturers, but the question that occurs to me is, that the Chancellor of the Exchequer's construction is important to the whole revenue of the country. The Chancellor of the Exchequer says you are to separate the 7th Article from the 8th, and must construe the 7th Article as it stands. I say, do that and see what comes of it. Construe the 7th Article as applying to all merchandise coming from France, and the consequence is this,—that with regard to all merchandise coming from that country, those who bring it will have a right to say, “Your Customs’ duty is identical with your Excise duty, and the measure of the Excise duty is to be the measure of the Customs’ duty. We tender you a cargo”—say of timber or tobacco for Havre—“and we ask you, where is your Excise duty upon that article?” We have no Excise duties upon those articles. I say, if “merchandise” in the 7th Article is to mean all merchandise disconnected from the 8th Article, then the French Government has a right to require us to admit free any cargo of any article, such as tobacco or timber, upon which we have no Excise duty here; the Excise duty is to constitute the basis of the foreign duty. The Chancellor of the Exchequer's mode of extricating himself from this difficulty is this—he says the 7th Article only applies to the merchandise upon which there exist Excise duties in this country, and therefore he represents the conversation that would take place between himself and the French Government in this way. The French Government says, “Here is a cargo of timber; we beg you to admit it duty free.” The Chancellor of the Exchequer will say, “No, we can't admit it duty free, because you have no warrant for such a claim.” The French Government will say, “Look at the 7th Article—‘merchandise coming from France to be admitted at a

rate of duty equal to the Excise duty which is or shall be imposed upon articles of the same description in the United Kingdom.’ Where is your Excise duty?” The Chancellor of the Exchequer will say, “We have no Excise duty upon timber; your timber was not subject to Excise when the treaty was made, and therefore does not fall within that Article.” What would be the rejoinder of the French Government, and I think a conclusive one? They would say, “Look again at the 7th Article. It is not articles which are excisable at the time which are spoken of, but it is ‘at a rate of duty equal to the Excise duty which is or shall be imposed upon articles of the same description in the United Kingdom,’ ” therefore they will say, “it is quite immaterial whether there was then any Excise duty or not.” If it is an excisable article, which timber, tobacco, corn, or anything consumable here may be, the French Government may say, “Unless you have an Excise duty upon that article, the Excise duty is *nil*, and our foreign Customs’ duty is *nil* also.” That is an argument which the Government would have a difficulty in rebutting if it were raised.

But I must not omit another argument of the Chancellor of the Exchequer. He has said: “Whatever construction you place I will show you something that will influence your judgment,” and he read a despatch from the noble Lord the Secretary for Foreign Affairs, which, from its nature, was evidently of a private nature, and from that despatch he derived an argument as to what the meaning of the treaty was. I say it is not for the House of Commons to consider that treaty according to a despatch which preceded the consummation of the treaty. Why, the despatch of the noble Lord points to fifty things which have been changed or altered before the treaty was finally concluded, and therefore, however sound and proper the views of the noble Lord might have been, it is not his despatch, but the treaty which is before the House. Let me only add one word in addition to the argument on the literal and grammatical construction of this Article. We are told that the House of Commons is committed to the approval of all parts of the treaty, and that we are bound to pass these Resolutions in consequence of that approval. I think it is important to see upon what grounds and conditions we gave our approval to that part of the treaty;—because no sooner was the treaty announced than,

taking merely the question of paperhangings and cardboard specified in the treaty. hon. Members who were interested raised the question and asked the Government, "Have you stipulated anything with regard to the exportation of rags from France, a most important matter for paper-makers?" I remember that on the 5th March the noble Lord the Secretary of State for Foreign Affairs came down to the House, and, amid cheers, made this announcement:—

"The repeal of the duty upon the admission of rags into this country for the purpose of manufacturing paper had been under the consideration of the French Government, and the Council of Ministers were prepared to recommend to the Legislative Body the removal of that prohibition.—[3 *Hansard*, clvi. 2225.]

The President of the Board of Trade repeated the statement in equally strong terms. He said, "I was extremely glad to hear the noble Lord announce to the House that the French Government intended to remove the prohibition now existing on the importation of rags." It was not merely that they meant to submit to the Legislative Body a proposal on the subject, but that the Government of France intended to remove the prohibition on rags. The House of Commons therefore accepted the assurance of the noble Lord and the President of the Board of Trade, that the Ministers of the French Government were about to remove the prohibition on the exportation of rags. You talk of honour and good faith, and you talk about addressing an assembly of gentlemen. I ask could there be any difference between this promise of the French Government and a provision, if such there had been, inserted in the treaty, declaring that they would remove the prohibition on rags? I say that in honour and truth and good faith there was no difference whatever. The case would not have been one jot different if there had been an express clause in the treaty engaging to remove the prohibition of which the paper manufacturers so much complain.

I will for the moment put aside the construction of the treaty. Supposing we were not called upon to say what the construction of the treaty is, the question would be still what ought to be the position of the House of Commons? I say it is to wait for the completion of that promise. Can it be objected that in doing so we impair in any way or defeat the treaty? Certainly not. In the first place, that could not be if I am right in

the construction I have submitted to the Committee; and, in the next place, we have had a positive assurance that there is no desire on the part of the French Government to precipitate the House of Commons on this question. So long ago as the 10th of February, when the Chancellor of the Exchequer made his financial statement, he adverted to this very matter. He said:—

"We have reason to believe France would have given us the time which she was compelled to require for herself; but the arrangement for early change in preference to general postponement was owing to the deliberate judgment of the English Government that it would be, on the whole, more advantageous to the English people."—[3 *Hansard*, clvi. 852.]

Therefore it was the English Government that had the option and choice of stating at what time the treaty should take effect. In addition to that we have had before us what the views of the French Government are. Of course, the views of the French Government are those of the French paper-makers, because the French Government can have no desire with regard to the Customs' duties on paper but such as is likely to be of advantage to the papermakers of France. Now, the French papermakers, in a memorial to the Minister of Commerce, have stated distinctly that they do not care a straw about the future reduction of the English duty on their paper, but that they are most anxious to maintain the duty on the export of rags. I was therefore quite prepared to hear from the Chancellor of the Exchequer the announcement that the French Government have declared that, so far as they are concerned, they have no wish whatever that we should commit ourselves to the Resolution proposed by the Government. Then if that is so, there is no longer any question of danger to the French Treaty. But the question does not rest there, because it is most important that the subject should be kept open to see what the French Government will do by another Session. We have been often told that we should remember what the French Emperor is, and with whom he has to deal—that he is a Free-trader, and that he has to deal with those who have not adopted free-trade principles, and that it was of importance that we should give him an opportunity to show the Legislative Body the true nature of the English Treaty, and the advantages they would have if they enabled him to carry it out. But if that be so, it is surely of importance that you should

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give the French Government next Session the same advantages which you have told us were of so much consequence to them this Session—namely, the advantage of going to the Legislative Body and saying to them, “Here is the treaty that conferred so many advantages on you—will you consent now to repeal the prohibition on the exportation of rags?”

I maintain, then, that this is a question on which, if the facts alleged by the papermakers be true, there is no room for the application of the principle of free trade. If these facts are denied, they ought to be inquired into. I say, moreover, that the construction of the treaty puts the question high and dry beyond any cavil as to its having no bearing on the Customs’ duty on paper. I say, further, that that construction of the treaty has been adopted by the French Government; and I say, still further, that the House of Commons has been induced to pass the treaty on an assurance that has not yet been fulfilled, and for the fulfilment of which we are bound to wait. I think the Government is not pursuing a wise course in forcing the Committee to a decision on this question at this period of the Session. They have been offered, by a supporter of their own, an alternative, moderate in its terms, and not shutting the door on their proposals, but leaving them over unprejudiced for future discussion. I will not pause to consider what may be the actual motives that induce them to oppose this suggestion; but the Members of the Committee have a duty to perform, and if we fail to perform it, the failure will, I am convinced, rise up hereafter to our discredit and regret. We are appealed to by a trade in this country, not for favour or indulgence, but for justice. The Government have invited us to consider this Resolution; and the first thing they tell us is that the time for consideration is past—that sentence has gone forth—and that it is not possible to recall it. I deny that the time for consideration is past, or that the House of Commons has assented to any such sentence. We are free as air to consider this question on the merits and justice of the case. I say, then, let us adopt the moderate and wise course proposed by the hon. Member for Hertfordshire, and let us not, without reason, without inquiry, and without consideration, become the agents of a great, an irretrievable, an unnecessary wrong to a manufacture in which millions of capital of this country

have been embarked, and on which thousands of its people are dependent.

THE CHANCELLOR OF THE EXCHEQUER: I wish to make an explanation relative to a point raised by the hon. Member for Herts, and which has also been referred to by the hon. and learned Gentleman who has just spoken—who has characterized them as a more authentic declaration of the views of the Government than their own language and despatches—I mean the interpretation that has been put on the Resolutions, of which notice was given in February, from the titles that we attached to those Resolutions. It is not usual to prefix titles to Resolutions at all; but it so happened that for a considerable time before my financial statement was made, and also after it, I was not able to attend the House, and was almost wholly unable to pay attention to business. In those circumstances, the proposals which were about to be made being complex, it was thought that for the convenience of the Members of the House, and to give an indication of what articles were to be dealt with in the treaty, and what were not, the titles of those articles should be set forth. I accordingly gave directions with that view; but it was not in my power to watch minutely and carefully the carrying out of those instructions. The list was, on the whole, given with great accuracy; and with regard to paper, with perfect accuracy. Paper was entered in the Resolutions correctly as “not under the treaty,” which, according to the views of the Government, it was not; inasmuch as they were proposing to repeal the Excise duty. But there was an error with regard to hops, and one still more palpable relating to gold and silver plate; which, though coming under the treaty, was entered in the same category with hops. My attention was never called to either of those inaccuracies; nor did I ever pay attention to them, until the discussion was raised on the subject of paper within the last few weeks. But the hon. and learned Gentleman is entirely wrong in stating that it was on the 7th of May that the Government announced their construction of the treaty. [Sir HUGH CAIRNS: I said the 17th.] Then the hon. and learned Gentleman is still more wrong, because it was on the 12th of March—not the 17th of May—that the question was raised in the debate on the paper duties; and that my right hon. Friend, the President of the Board of Trade, a member of the Cabine,

declared that it would be our duty, under the treaty, to reduce the Customs duty in any event to the level of the Excise duty. With respect to the answer which the hon. and learned Gentleman states I gave to the hon. Member for Norwich, and which he courteously says I have forgotten; on the contrary, I remember that answer perfectly; and I think it was very correct. The hon. Member asked, on the third reading of the Paper Duties Repeal Bill, whether by passing that measure we should part with our discretionary power with regard to the Customs duty. I answered that we certainly should not part with our discretion in regard to the Customs' duty, whatever that might be; for, so far from parting with that discretion by passing the Bill, we should, in the view of the Government, recover it by that very means.

SIR HUGH CAIRNS: I doubt not that the President of the Board of Trade made his statement, as the Chancellor of the Exchequer says, on the 12th of March. If so, it adds to the chapter of wonders something more wonderful still; because I find that it was on the 15th of March that the differential duty on hops was imposed and paraded as a differential duty by the Chancellor of the Exchequer. As to the question whether the Government, by repealing the Excise duty on paper, recovered jurisdiction, so to speak, over the amount of the Customs' duty, I own that I hardly bestowed a word upon it; because it seemed to me that to argue that as long as you maintained a farthing of duty in the shape of Excise upon paper, you were bound hand and foot by the treaty to have the Customs' duty at a farthing also; but that if you did away with that farthing of Excise, you could raise your Customs' duty 50 or 100 per cent, would be, with all respect, so puerile and childish a construction, that I really thought nobody in this House would have advanced it.

THE ATTORNEY GENERAL: I entirely recognize the justice of the plaudits so liberally bestowed upon the speech of my hon. and learned Friend the Member for Belfast; because a more conspicuous exhibition of forensic abilities I have seldom witnessed. We have had an abundant display of that confidence which often distinguishes the public advocate, but which had probably better have been laid aside in addressing an assembly like the present. My hon. and learned Friend in the course of his speech has indulged in epithets which fortunately we do not often hear

in this House. Things have been attributed to my right hon. Friend which have been denominated "ridiculous," "absurd," and I know not by what other courteous appellatives. It would have been very well if the soundness of my hon. and learned Friend's arguments had equalled the strength of his language. If I were disposed to derive my words from his vocabulary I should have ample opportunity of applying them in the comments I am about to make. I cannot, however, but express some surprise at the hon. and learned Gentleman's introductory sentence, for he was so intent on hostility to the Chancellor of the Exchequer that he actually made it a matter of complaint that my right hon. Friend's arguments were ranged under two heads, the one of justice the other of expediency. Now, if there are any topics suitable for a deliberative assembly, any arguments fit to be presented to men of honour, they must be drawn from considerations of justice and considerations of expediency. And if one singular merit more than another characterized the oration of my hon. and learned Friend, it was that he solicited your votes upon grounds that were demonstrated to be based alike on considerations of justice, of public expediency, and of utility. Now, Sir, I do not mean to enter into a gladiatorial contest with my hon. and learned Friend. [*A laugh.*] Hon. Gentlemen opposite seem to be very glad to hear that they are to have that escape. I hope I shall receive that ordinary courtesy which I am happy to acknowledge has on so many occasions been extended to me from the other side; for I have risen to perform a duty which is a serious one, and which I mean to fulfil with all sincerity and truth to the utmost of my power. I wish to state to this House what I honestly believe to be the true interpretation and effect of the treaty which we are now called upon to consider, and I regard that as the most important subject to which your present deliberations ought to be directed. I know of nothing that would be more painful, or that could excite in the mind of every Gentleman whom I address feelings of a more humiliating character than to have it said that by any degree of ingenuity, any mere special pleading or legislative acumen, he had sought to make his country evade a contract, the terms of which are clear and indisputable to every man of common understanding. I do, therefore, most heartily

agree that this treaty is one which every Member of the House of Commons is capable of construing, and all will, I think, admit that it ought to be construed, not upon grounds which are peculiar to lawyers, or which are of a purely technical nature, but on grounds which will bear the test of common sense and common reason. My hon. and learned Friend has been pleased to fix upon the Government some uncertainty, ambiguity, and contradiction in their views of this treaty. My right hon. Friend has already adverted to the fact that the present interpretation of the treaty was announced by the President of the Board of Trade as long ago as the 12th of March last. And if the Committee will forgive me, I will for a moment call its attention to the language which was then used in order to show the perfect identity between the construction then adopted by the right hon. Gentleman and the interpretation which we now seek to place upon the treaty. The language which I will quote lies in a sentence. It is—

“You have bound yourselves by one of the Articles of that Treaty to admit foreign paper at no higher rate of duty than the Excise which shall be levied on the home manufacture. Protection, therefore, for the home manufacture is gone; and the question is whether, being offered the total repeal of the duty, you will now insist on retaining the Excise and admit the foreign paper with no higher duty than is imposed on the home manufacturers.”—[3 *Hansard*, clvii. 393.]

Therefore, if, even from the accident referred to, there was some vacillation in the language held by the Government in regard to hops, there has been no uncertainty as to the interpretation of this part of the treaty announced so early as the 12th of March, and which is the exact construction by which we are now desirous to abide. The treaty is divisible into several parts. I will first refer to the articles which are promised to be admitted into France at a duty of 30 per cent, subject to some subsequent modifications. At the end of the first Article of the Treaty France stipulates, as we also stipulate, that in regard to certain articles the Excise or inland duty shall be added to the amount of the above specified duties. Then follows an Article in regard to fuel, and next comes an enumeration of different French productions which are to be admitted by us duty free. Hon. Gentlemen will find that not one of these productions is subject to an Excise duty in this country. They are all to be admitted duty free; but still at the end of the clause there appear these words:—

“subject, however, to such measures of precaution as the protection of the public revenue may require against the introduction of materials liable to Customs or Excise duties in the composition of articles admitted duty free.” After having provided for that class of goods you come to another class, but the general rule is laid down by the 7th Article. Allow me to remind the Committee of the manner in which the argument of the other side has been conducted. It has been said by the hon. Gentleman the Member for Herts, and repeated by the hon. and learned Gentleman the Member for Belfast, that the 7th Article gives the rule, and that the 8th Article supplies the particular subject-matter to which that rule is to be applied. To that mode of construing the 7th and 8th Articles I oppose the plain intelligible meaning of the two Articles, which will, I think, when stated approve itself to the good sense and understanding of the Committee. By the 7th Article the power is given of imposing a rate of duty “upon Customs” articles imported into this country from France equal to the Excise duty which is or shall be imposed upon articles of the same description in the United Kingdom.” Now, the subject-matter of that 7th Article is, I submit, all those things that are liable to Excise duty in this country, which are to be received subject to a Customs’ duty equivalent to the Excise duty. It is essential to bear in mind that the 7th Article has these important words, “which is, or shall be imposed,” &c. The Committee have heard that there are certain particular articles which it was desirable for the French Government should be exempted from the power of imposing Excise duties given by the 7th Article. Accordingly, the French stipulated that certain merchandise enumerated in the 8th Article should be exempted from the power of increasing the duty which would have remained if these articles had continued within the 7th Article. They first take brandy and spirits; and the Committee will observe that with regard to them a definite and *maximum* duty is imposed. The only addition is a surtax of 2*d.* by which the articles were augmented under a supplementary article. Brandy being thus exempted by the operation of the 8th Article from that power of augmenting the duty which is given by the 7th Article, the 8th Article next proceeds to the importation of paperhangings. The Committee will perceive the reason why paperhang-

ings, being an article about which the French manufacturers are mainly solicitous, should be exempted from the elastic rule which gives the power of augmenting the duty under the 7th Article. Paperhangings imported from France have their weight greatly augmented by the addition of ornamental substances. The paper is overlaid either with paint, by figures drawn on the paper, or by other fancy ornamentation. The English paper manufacturer has this advantage, that he pays a duty on the paper alone, and his paper before it is manufactured into paperhangings weighs less than paperhangings imported from France. Accordingly, as French paperhangings weigh a great deal more than the raw material of the English paper manufacturer, and as the duty is assessed per cwt., the duty payable by the French manufacturer is much greater than that paid by the English manufacturer. These circumstances led to the stipulation of the 8th Article with reference to paperhangings. The Committee will see at once that with regard to every one of the things mentioned in the 8th Article there is a particular reason for its exemption from the 7th Article. The argument on the other side has been that the general rule should be qualified by the particular enumeration, and that the 7th Article should be applied only to the commodities enumerated in the 8th. But it is clear, I think, on the contrary, that the things mentioned in the 8th Article are so mentioned for the purpose of taking them out of the enumeration of the 7th, and not for the limitation of that Article. Everything specified in the 8th Article is so specified because it is applicable to the particular rule of exemption; for it was idle to mention them if they were subject to the general rule contained in the 7th Article. Accordingly a *maximum* of duty payable for paperhangings is fixed by the 8th Article, so that importers may know that they may always bring French paperhangings into the market at a *maximum* duty, not liable to be augmented by the power of reserve of the English Government under the 7th Article, which otherwise was free and unlimited in its application. The same principle is, by the 8th Article, applied to cardboard, which is to be liable to a *maximum* duty of 15s. per cwt. So that if it should be thought right to augment the Excise duty upon English cardboard and carry it beyond 15s., we should still be obliged to admit French cardboard at a duty

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not exceeding 15s. per cwt. This simple statement dispels the ingenious fabric reared upon the arguments we have heard. Instead of the rule being laid down in the 7th, and the subject-matter being detailed in the 8th, both the rule and the subject-matter are all contained in the 7th Article. As to the things recited in the 8th Article, they are for special reasons exempted from the general power reserved to the English Government in the 7th Article. It is commonly observed that an ounce of fact is worth a pound of argument. It is certainly worth a great deal more than a pound of the ingenious personal attacks in which hon. Gentlemen opposite have been so eminently liberal. I will now go on to the other argument, that the 7th Article is an admission of every description of merchandise from France—that everything producible in France may be imported into this country, and that if those Articles are not liable to an Excise duty here they may be introduced duty free. The cases of timber and tobacco have been quoted as coming under this clause, and we have been gravely told that the construction put upon the Article by the Government would lead to the admission of these articles duty free, because there is no Excise duty upon them in this country. I am unaffectedly surprised that such a construction of the article should have been possible.—[Sir HUGH CAIRNS: I did not put that construction upon the article; I merely said that it was a consequence of the construction placed by yourselves upon the treaty.]—I repudiate it. My hon. and learned Friend imagines an interpretation and fastens an ingenious argument upon it. The construction we have always put on the treaty, and to which I adhere, is not suddenly adopted, but is an interpretation which, if I may venture on such an expression, was put upon the treaty before it was made—namely, that those articles only were to be affected by the 7th Article that were subject to Excise duty in England. The 7th Article is a rule that in the case of all home productions liable to an Excise duty the corresponding articles shall be introduced from France upon the same terms. The only difference is that an addition shall be made to the Excise duty corresponding to the degree of inconvenience and loss sustained from the manner of levying the Excise duty. One simple rule is uniform through the treaty. In the case of all those home productions not liable to Excise the corresponding commodities are

to be admitted free of Customs' duty, and in the case of those liable to Excise duties, they are to be admitted at a duty equal to the Excise duty. Now, I have said that this was the interpretation put on the treaty before it was embodied. If there be one rule of honesty in the interpretation of a contract or treaty between nations, undoubtedly it is this, that you should adhere to the view, the interpretation, and the sense in which you proposed to the other contracting party that the treaty should be worked. Well, now, what says the letter of my noble Friend the Secretary of State for Foreign Affairs on this particular subject? I am told by my hon. and learned Friend that this was a private despatch. A private despatch! Why, it was written, not only to be communicated to the French Government, but to be laid on the table of the House of Commons, and it has been laid on the table of this House. The rule that was given by my noble Friend for the purpose of framing and introducing the 7th Article is contained in this passage:—

"To frame an Article by which Her Majesty shall engage to propose to Parliament that the duties of Customs generally on articles imported from France into this country, but which are subject here to duties of Excise, shall be reduced to a rate as nearly as may be equal to that of the duties of Excise, together with a reasonable allowance for the costs, if any, which such duties of Excise may be shown to entail."

The interpretation which we are bound in honour, in good faith, in justice to the other contracting party, and in justice to ourselves, to implement is, that this Article refers to those "articles imported from France into this country, but which are subject here to duties of Excise," which "shall be reduced to a rate as nearly as may be equal to that of the duties of Excise." The French considered it desirable that certain exceptions should be made, and the 8th Article may be described as the limitation put by the French in favour of certain particular productions. This is so obvious that, without the aid of any particular inspiration—without the fear of incurring any kind of contradiction or uncertainty, that has been always the meaning put by Her Majesty's Government on this particular Article. I would now advert, only for a few moments, to what my hon. and learned Friend laid some stress upon, namely, the circumstance that there had been an alteration made in the duties affecting spirits. Now, my hon. and learned Friend did not inform the Committee that

there was an express power contained in the 9th Article:—

"It is understood between the two high contracting Powers, that if one of them thinks it necessary to establish an Excise-tax or inland duty upon any article of home production or manufacture which is comprised among the preceding enumerated articles, the foreign imported article of the same description may be immediately liable to an equivalent duty on importation."

And that is in entire consistency, also, with the proposition made by my noble Friend the Secretary for Foreign Affairs in the same despatch, in which he pointed out that it was the right of this country to reserve to itself the power of making alterations for the purposes of revenue. My noble Friend says,

"It would be necessary, however, to reserve, with a view to this Article the right of increasing the duty by an equivalent amount in case the domestic duty should be increased; and probably this might best be done by a general provision authorizing either Government to impose on the importations into either of the two countries respectively, notwithstanding the terms of the treaty, any duty not greater in amount than may at any given time be payable on the corresponding article of domestic or colonial production."

I have troubled the Committee with these facts, because I am desirous of demonstrating—what is indeed abundantly clear—that the general intention, the instructions given, the articles prepared, and the view entertained of these articles by Her Majesty's Government, have been one, single, consistent, harmonious interpretation, and precisely that which is now submitted to the Committee. But it is said the French Government have manifested an intention or shown a disposition not to press on us the performance of this particular detail, and therefore we ought not to carry it into effect, but permit it to lie over for another time. I should be exceedingly sorry if I found an English House of Commons listening to such an argument. If I owe a gentleman £5,000, and he comes to me and says, "Don't hurry yourself, I will give time for paying it," does that in the slightest degree relieve me of the obligation I am under to pay? And is it consistent with our honour and our dignity to say that the French, who made this treaty, seeing us unable to carry it into effect, are willing to indulge us, having regard to our weakness, our infirmity, and give us till another time, when we may be more equal to our contract. I should be ashamed of such a course. I am quite sure that is the feeling of the House—nay, I will venture

to say that it must be the feeling of hon. Gentlemen on the other side. If I were to appeal to any that would be most scrupulous about the performance to the very letter of the obligations we had undertaken, I would make that appeal to the Gentlemen I see before me. I cannot, therefore, for a single moment, allow myself to suppose that there is any reliance to be placed on that argument. I am satisfied the House, considering well the obligation, is ready to perform it, not only because it is here written in the treaty, but because they are convinced that it will redound to the benefit of both countries, to ours as well as to theirs. My right hon. Friend did not only argue this question on the ground of expediency, but also of distributive justice; and with a few words on that point I will close these observations. I conceive that we are bound in justice to our countrymen to put an end to that particular monopoly which is now enjoyed by the paper manufacturers. My hon. and learned Friend escaped from the obligation of vindicating the maintenance of that privilege, and wisely, telling us that he does not know the facts, and therefore will not go into the argument. But the House of Commons knows the state of the facts, and that there is not a single other manufacturer or producer in the country indulged with this peculiar privilege; the House of Commons knows, therefore, that the paper manufacturer profits by the advantage he gets by going into the market, and having the result of the labour of every other man furnished to him without his having the aid of a protective duty. Well, but what is distributive justice? Is a legislative body bound by such considerations? I say not only does your contract, with the obligations contained in it, not only considerations of general expediency, but justice to the rest of the manufacturers and the great body of the consumers of this country, require that you at once put an end to this unjust, this peculiar privilege which exists only for the benefit of the paper manufacturers.

Mr. NORRIS said, he hoped to receive the indulgence of the Committee while he stated in a few brief sentences some of the reasons why he should not to-night give his vote in favour of the propositions of Her Majesty's Government. He confessed he did not sympathize with those who were actuated by political hostility to the Mover of these Resolutions; he had uniformly supported the right hon. Gentleman's po-

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licy; he admired his talents, and respected his honour and reputation. But the right hon. Gentleman placed the issue of this question on the assumption that he was proceeding in the direction in which the legislation of the country had of late proceeded in its commercial policy; that the free-trade policy which was inaugurated some twenty-five years ago was to receive its consummation to-night, and that the last rag of protection was to be yielded up if Government were enabled to carry the Resolutions of the right hon. Gentleman. It required no little courage in a private Member, more accustomed to silence than to speech, to enter into a conflict with so accomplished an orator as the Chancellor of the Exchequer. He ventured, however, to say that the proposition before them was not based on the principles of free trade as inaugurated by Sir Robert Peel, but in direct contravention of them. In 1842 that able statesman laid it down as a principle that we should encourage the manufacturers of England by relaxing the duties on raw materials, and by continuing, though in a modified form, the duties on manufactured articles. Of the 1,200 articles he brought under review on that occasion, as to 800 of them, which formed the staple commodities of the manufacturers of this country, Sir Robert Peel proposed to retain only a nominal duty for statistical purposes; while on the other hand, on partially manufactured articles, he imposed a duty not exceeding 12 per cent, and on wholly manufactured articles 20 per cent. The Government proposition, however, was exactly the reverse. While the export of the raw material from foreign countries was checked by heavy duties, if not entirely prohibited, it was now proposed to welcome the produce of those countries to the markets of England, and to reduce the impost so as to bring it into ruinous competition with the home manufacture. The Chancellor of the Exchequer said that rags were dearer in France than in England. But this was proved not to be so; for immediately after the noble Lord the Secretary for Foreign Affairs announced that the prohibition was about to be removed from the export of rags in France, an eminent firm of papermakers in Scotland purchased a large quantity of rags in France at a much cheaper rate than they could obtain them at home. They were, however, compelled to dispose of them again at a loss in the French market, when it was made known

that, after all, the prohibition was to be retained. Was it just or reasonable to our manufacturers, who were debarred from procuring raw material from foreign nations, to allow the foreign manufactured article to enter our markets at a reduced duty and to compete with home produce, which was thus placed at a disadvantage? He appealed to the Committee on behalf of a trade which had undergone in the course of six months many vicissitudes, and was now in a state of unexampled depression. They were first told that there was to be a total repeal of the Excise duty, and now not only was that decision reversed, but they were exposed to a most unequal competition. All he asked for them was, a free stage and no favour. He did not ask that the paper manufacturers of Great Britain should be protected. He repudiated the idea of claiming protection for them; all he desired was that they should have justice, that no advantage should be given to the foreign producer in competing with them. Let the foreign stores of the raw material be thrown open to the British manufacturer, and then subject him to competition with the world; if in enterprise, talent, or industry, he was not equal to his rivals, then let him bear the loss. It had been said that we ought to take the initiative in the matter, reducing our duties and leaving foreign nations to imitate our example. But what temptation had we to pursue that course? As soon as the proposed relaxation of our Customs' duties was announced, the question which was agitated among the States of the Continent was, not whether they should follow in our steps, but to what extent they should raise the export duty on the raw material. When negotiations were going on for the removal of the French prohibition on the export of rags, the Chancellor of the Exchequer delayed the discussion on the paper duty, thus admitting that the free supply of the raw material formed an important element in the question. Sir Robert Peel pronounced it unwise to diminish the hopes of satisfactorily arranging questions of this kind by the rash reduction of duties on articles which must form the subject of negotiation. The Customs' duty on paper was one of those questions which must form the subject of negotiation; and he condemned as rash, unreasonable, and unjust, the reduction of the duty while the supply of the raw material was still prohibited by France and other foreign States. He ventured, unhesitat-

ingly, to say that the 1½d. was not in any sense commensurate with the disadvantages under which the English manufacturer would suffer. If he were more fully satisfied that the national honour was involved in carrying out the proposal made by the Government, in order to give due effect to the legitimate stipulations of the treaty, then he should be prepared to support the Resolution; but after studying the treaty, and giving his most anxious thought to it, he was inclined to the opinion that paper was not included in the Commercial Treaty; and perceiving that by Article 21 of the treaty the high contracting Powers reserved to themselves the right to introduce into the treaty any modification which was not opposed to its principles, and the utility of which should be shown by experience—he could not consent to adopt the course to which they were now asked to assent. It would, he might add, be found impossible to stimulate the production of rags for the use of the paper manufacturer in this country, because the other nations of Europe, having regard to their own interests, would impose restrictions on the export of that commodity. On those grounds then, and because he did not wish to see a useful branch of industry destroyed, he should vote against the Resolution.

MR. HENLEY: Sir, I wish to say a very few words on this occasion. I listened with great attention to the speech of the hon. and learned Attorney General, with a view to ascertain how he would meet, or whether he would meet at all, the main arguments advanced by my hon. and learned Friend, the Member for Belfast (Sir Hugh Cairns);—for this is a question on which the House would very naturally look for instruction to two men so eminent in their profession. I regret, however, to have to say that the chief portion of my hon. and learned Friend's argument has been left wholly unnoticed by the hon. and learned Gentleman, who followed in the path of the Chancellor of the Exchequer, and maintained that the 8th Article embraced exceptions—or exemptions, I think he termed them—from the 7th Article; neither he nor his colleague informing us how that construction could be shown to be consistent with the words, "in accordance with the preceding Article," with which words the 8th Article commences. It would ill become me to touch further on that part of the question; but being one of those persons who put much greater faith

in what men do, than in what they say, I would ask to be allowed to refer for a moment to the article of hops. The Government here have not only acted themselves, but have induced the House to act, in reference to this particular article, to which the Attorney General did not venture to allude; for although he invited our particular attention to the instructions, and what was done under those instructions, he avoided dealing with facts. It is, nevertheless, an unmistakeable fact that the Government have called upon the House to assent to the imposition of a differential duty on hops—the article of hops being an excisable article. I want to know how that is to be met or got over. A great deal, indeed, has been said about the Resolutions with reference to hops having been laid on the table somewhat incautiously; but it should be borne in mind that amended Resolutions on the subject were afterwards laid on the table, when the first half had been passed; and it was the amended Resolutions that contained the matter of hops. The amended Resolutions also embraced the not unimportant article of malt; which was not mentioned by the Government as coming under the provisions of the treaty; still malt, as we know to our cost, bears a very heavy Excise duty. This Resolution did not state malt to be “under the treaty;” but it abolished the prohibition; and the Committee voted a duty of 25s. Now, if the 7th Article is to be construed in the general way in which the Government say they understand it, malt would, I conceive, come under its operation; and a sum of upwards of £5,000,000 derivable from that source, is not so trifling a matter that mere inadvertence can in its case be, with any degree of plausibility, pleaded. The question of malt is not like that of hops, which the right hon. Gentleman told us was a matter of little consequence. Now the hon. and learned Attorney General, looking very hard at those who occupy these benches, said he felt assured we, at all events, would do everything which was consistent with honour; or something of that sort. The hon. and learned Gentleman, in saying so, paid us, I must admit, a great compliment; but at whose expense it was paid, I shall not stop to inquire. Now, there is a rule observed in courts of justice, which is that when a witness gives two accounts of a transaction—the one immediately after, and the other not for a considerable time after the transaction has

taken place, a greater amount of reliance ought, in a general way, to be placed on the first statement. Let us try the proceedings of the Government with respect to the treaty on that principle. That instrument was just negotiated, its provisions were fresh in their minds, the ink upon it had not yet dried; and they made a specific statement that certain things were enumerated in the treaty, and that some other things were not. Persons sometimes talk of appealing from Philip drunk to Philip sober. For my part, I prefer the opinion of Gentlemen when they have just done an act, to what they give us now five or six months afterwards. I cannot understand why the Government made this House pass the hop question, putting a differential duty on that, if the 7th Article had the application which they now contend for. I have not heard the Attorney General attempt to give an answer on that point. Having in the early part of the Session voted that one product was not under the 7th Article, they now ask us, later on, to take the inconsistent step of voting that everything comes under the same Article. I think that is placing the House of Commons in a position which no Government has a right to ask it to assume; and I cannot see anything in the treaty which would compel the House to adopt any such proposal. This treaty is so obscurely worded, that it is impossible to say, with any certainty, whether it is really intended to express what any man may say it means; but I confess I lean to the opinion of my hon. and learned Friend, the Member for Belfast, that it is impossible to argue upon the terms of the treaty that these articles are either exceptions or exemptions. I cannot understand an exemption being in accordance with the version of the treaty before vouchsafed to us. As to the question whether these duties ought to be continued or not, assuming that we have the power to decide that point, without going into the question of free trade, or any other trade, I think the unfortunate paper manufacturers have been so bandied about from pillar to post in this Session of Parliament—they must have suffered such great inconvenience—that, if there be not a necessity—which, to my mind, has not been made clear—this hardship ought not at the present time to be put upon them. If the Excise duty had been altogether removed from paper, the case would have been totally different, and would have stood on another footing. But it is impossible for

anybody not to see that the persons engaged in that manufacture must have been placed in a very serious position of disadvantage by the circumstances of the last five months. The Motion of the hon. Gentleman, the Member for Hertfordshire, which declares that it is not at present advisable to make the alteration proposed in the Customs' duty on paper, is therefore, I think, a wise one; and I shall accordingly give my vote in its favour.

LORD JOHN RUSSELL: The hon. and learned Member for Belfast, at the commencement of his speech, made an extraordinary attack on the statement of my right hon. Friend the Chancellor of the Exchequer. He said that as he had argued that this proposal was in accordance with the provisions of the treaty, and as he had also argued that it was conformable to the legislation which the House had carried out for years in relation to trade, that my right hon. Friend was therefore conscious of a defect. That appears to me an extraordinary mode of dealing with an argument. If my right hon. Friend had said, "this is an article of the treaty with which you are bound to comply, but I must admit that it cannot be carried into effect without some machinery," that might have been a defective argument; if he had said I am going to propose to you what is advantageous for the country, but is not quite within the scope of the treaty, that again might have been a defective argument. But because my right hon. Friend says, "I will show you that my proposition is exactly conformable to the treaty, and that it is at the same time in accordance with all sound policy," for that reason the hon. and learned Gentleman says my right hon. Friend's argument is defective. I was glad to hear the hon. and learned Gentleman the Member for Belfast say that this part of the question was not one entirely for lawyers, and that he thought the Members of this House, if they adopted a plain interpretation, must perfectly understand the case. I take advantage of that admission of the hon. and learned Gentleman to make some comments on his interpretation of the treaty. And let me say that I think, if you have a treaty with another Power, and if you find that by some refinement, by a very subtle mode of argument, you may deprive that party with whom you contract of an advantage, though a plain interpretation will give him that advantage, you are not justified in deserting the main

principle of the engagement and resorting to those subtle and refined arguments. The question really begins with Article 7 of the treaty. But the hon. and learned Gentleman for a long time avoided Article 7. He went in some detail and at considerable length into Article 8, and then having got the Committee entangled in all the provisions of that Article, he referred to Article 7, and went cursorily over its provisions as if it were a minor Article. And he resorted to this extraordinary mode of interpretation—he said either Article 8 contains the whole meaning of Article 7, and you cannot go beyond any one of the items in Article 8, or else you are bound to admit without any duty at all articles which are subject to its exemption. Why, both these interpretations are extreme in their operation. They are founded, I admit, on a very subtle argument—they are founded on a most refined and scholastic mode of deducing interpretations—but they are not founded on the plain meaning of the Article. I must beg the attention of the House to the few words at the beginning of Article 7, which seem to me to contain the whole meaning of the point now in discussion. Article 7 says:—

"Her Britannic Majesty promises to recommend to Parliament to admit into the United Kingdom merchandise imported from France at a rate of duty equal to the Excise duty which is or shall be imposed upon articles of the same description in the United Kingdom."

I infer from that Article, according to what appears to me the common-sense interpretation, that where an article subject to Excise is introduced from France you are to have a Customs' duty which shall be equal to that Excise. The Article, you may say, might have been better worded than it is, but it is quite obvious that is the meaning to be attached to it. Article 8 gives various instances in which Article 7 is to be applied. It says in the first part, "In accordance with the preceding Article Her Britannic Majesty undertakes to recommend to Parliament the admission into the United Kingdom of brandies and spirits imported from France," and then it goes on, not saying, "in accordance with the preceding Article," but "Her Britannic Majesty likewise engages with respect to rum and tafia," and with regard to paperhangings. These are obviously instances in which the negotiators found they could apply a specific duty. They measured exactly what the Excise duty was; they took a certain sum which was equivalent

to that, and they applied Article 7 to those products. But they did not say, nor is it made to appear either by Article 7 or Article 8, that these were the only articles of merchandise to which the provisions would apply. Article 7 lays down the general principle, and Article 8 gives some instances of its application, and leaves the two countries to settle the remainder. The hon. and learned Gentleman says truly that I stated, and that my right hon. Friend the President of the Board of Trade stated, that the French Government meant to propose to the Legislative Body the removal of the prohibition of the export of rags. The hon. and learned Gentleman and the last Gentleman but one who has spoken (Mr. Norris) argue that it is not right at present to diminish this duty, because the French Government has not completed what it promised by the removal of this prohibition. But there is this material distinction to be borne in mind; the one is an Article contained in the treaty, and matter of engagement between the two countries, whereas the removal of the prohibition as to rags was never agreed upon between the two Governments; it did not depend even on an exchange of notes, but originated in a declaration by the French Government to Her Majesty's Ambassador. It appears that the measure could not be carried out without the consent of the Legislative Body. The French Government found the Legislative Body were not likely to agree to that proposition, and they were therefore unable to carry their intentions into effect. But there is all the difference in the world between saying you will set at nought the obligations of a treaty and saying that you cannot comply with what is desired by another country. The hon. and learned Gentleman proposes that we should set at nought the obligations of the treaty because the French Government has not done what it voluntarily proposed. We cannot think it right that these obligations should be got rid of by a quibble of this sort. You have nothing to do but to put forward some quibble—to say that a foreign Government proposed to do something, and, because they have not done what they proposed to do, therefore you are set free from your engagements. Then comes the right hon. Gentleman (Mr. Henley), and he mentions an instance on which the hon. and learned Gentleman lays considerable stress, with regard to the duty which was laid upon hops. I have no doubt he represented it as a permanently

differential duty on hops, with a view to maintain a protection to native industry. [Sir HUGH CAIRNS: No!] The hop interest represented that they ought to have sometime in order to enable them to compete with that duty, which is exactly equivalent to the Excise duty. My right hon. Friend the Chancellor of the Exchequer proposed to put on for a certain time an additional duty which is then to cease, and at a time which is named in the Resolution the duty will be exactly the equivalent of the Excise duty. At that time the promise of the treaty will be fully complied with. But does the hon. Member for Hertfordshire (Mr. Puller) propose to comply with the treaty? He says this is not a fit time to do it. He does not say that any other time is a fit time to do it. My right hon. Friend the Chancellor of the Exchequer says with regard to hops that for certain reasons it cannot be done immediately, but that it shall be done at a certain time. The hon. Member for Hertfordshire says this is not the time; but he will not tell you what the time is; he says, "We will not comply with the treaty until the French have done something which is not in the treaty," and therefore he would elude for ever the obligations of the treaty until the French do something which is not contained in the treaty, and to which they are in no way bound. If he had proposed 2s. a cwt. to be diminished next January by 1s., and next July by another 1s., I might have thought it a very unwise proposition for the papermakers, but I should not then have said that his proposition was in contravention of the treaty. But when he proposes an indefinite Resolution not to do it now, and does not say when he will do it, it must be construed by everybody in France and throughout Europe as a declaration on the part of the House of Commons that they will not declare boldly that they will not comply with the treaty, but by evasion, by a Resolution pretending that it may be done at some future time, get rid of the obligation into which they have entered. The French Government said most handsomely that they did not press for the immediate execution of this Article, and therefore it was a question not merely of faith but of policy what the Government should propose to the House of Commons. The hon. Member for Abingdon, and, I think, the right hon. Gentleman who spoke last, say that the papermakers have been very much vexed and worried

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for some months, that their interests have been placed in jeopardy, and that it is fit that their fate should be decided. That is exactly what Her Majesty's Government thought upon the subject; but will any one say that it will be decided if the Resolution of the hon. Member for Hertfordshire is carried? It is an invitation to renew the subject next February, and if it does not succeed, to renew it in April; and if it does not succeed then, to bring it on again in June and July. In fact, these unfortunate papermakers will never be free from alarm and jeopardy if the Resolution is carried. With regard to the arguments which have been used with respect to the policy, they seem to me exactly the same arguments which now for a great number of years I have heard repeated in this House, showing always that free trade was an excellent thing, but that the particular interest it was proposed to touch was an exception to all rules of free trade, and ought to be left alone. I remember, when these questions were first debated by a Minister in this House, not twenty, but nearly forty years ago, when Mr. Huskisson proposed to take away the prohibition on the importation of silk—and could not more be said against taking off duties on silk than can be said with regard to this question of rags?—it was argued very naturally, “How can you admit silk goods at a low duty, or even at a duty of 30 per cent, when it is not a product of this country, when a duty of 2*s.* 6*d.* per lb. is laid on spun silk, and when you have to contend with France and Italy, with whom the production is native?” But not only were they admitted, but from that moment the silk manufacture began to flourish, and the exports of silk rose in a few years from £200,000 or £300,000 to something like £2,000,000, by the encouragement which free trade and competition always give to every industry. Then there was the great question of the corn duties. Arguments were used that corn should be an exception; and they were of great plausibility, because it was said it would be placing the food of the people at the hazard of commerce with foreign nations. Still the repeal of the duties was carried. The Navigation Laws were also said to be necessary—it was said that the men who ploughed the land and the men who ploughed the sea, ought to have protection; and the great and venerable authority of Adam Smith was quoted to prove that the shipping interest could not stand under the

competition of free trade. These were not questions of £6,000,000—the agriculture and navigation of this country represented much nearer £200,000,000; but the House of Commons had the wisdom, after long deliberation, to expose both commerce and seamen to free competition on equal terms with foreign nations, and we all know that competition has resulted, not only in the increased riches of the nation, but in the prosperity of the trade which was thought to be the most threatened with ruin. Is it not far too much, that at the end of this period of legislation there should be, with respect to this interest of paper, the same predictions that machinery will be taken abroad, that the men will go abroad, and that there will be no papermaking in this country, and that, at the end of forty years since Mr. Huskisson first proposed these changes, the House of Commons should be frightened by such hobgoblins as these—that papermakers cannot stand a competition, and that they must alone of all interests be protected by special laws and extreme imposts. An hon. Gentleman who spoke early in the debate gave valuable information on this subject which ought to diminish the fears of the papermakers. I shall not argue the question upon the right of the people to have cheaper and better paper from abroad, if they can get it; but I will just refer to a third market, where the French have all the advantage of their protective system. They prohibit the exportation of rags. We are told that rags are cheaper in France, and that by virtue of this admirable system of prohibition, which we have long ago forsworn, they can undersell us. What do we find in Canada? £78,000 of paper are annually introduced into Canada, and of that quantity £50,000 are British, £10,000 come from the United States, and about £1,800 come from France. And so in India; £300,000 are introduced into India, and £207,000 are British. In India and in Canada the British papermaker meets the French manufacturer, whose interest is fostered and fondled by artificial management—meets him successfully, and beats him out of the market. If that is the case in a third market, no doubt it will be the case in England. Rely upon it there will be improvements in the manufacture of paper. Men who cease to have a monopoly always apply more skill to the manufacture; they improve, and become more able to compete with neighbouring nations than before. And it will be the same with the paper

manufacturers as it has been with the farmers, the sailors, and manufacturers of other merchandise. Do not think that you will suffer by these things. If you were to go into the nice and intricate calculations of what every country does with regard to particular articles, and to regulate your tariff according to the amount of protection which is enacted by other countries, I will venture to say that, so far from free trade being the general rule of your policy, you would hardly find a single article of your tariff to which it would apply. I ask this House, therefore, on the ground of the obligations of the treaty, which I think is proved by the plain and simple reading of the Article I have quoted to the House, and on the ground of wisdom and policy, not to give to the world the discreditable spectacle of endeavouring to avoid and run away from your engagements. I ask you to rely on that great principle which for so many years has increased the wealth and stimulated the commerce of the country, and which is as likely to be as beneficial in this instance as in all others which have gone before, and to abandon all thoughts of resorting to the system of protection and prohibition as a means by which this country can be benefited.

MR. DISRAELI: Sir, the Motion of the Chancellor of the Exchequer on this question and the Amendments to that Motion have now for a considerable period assumed so many different shapes that I confess I feel—what I have no doubt Gentlemen on both sides of the House feel—some perplexity in addressing myself to the question. The right hon. Gentleman, in introducing the question to the House to-night has made a very able panegyric on the advantages of what is called free trade. I shall commence the few observations which I shall offer to the House by at once clearing the subject from all that surplusage which, brilliant as it was, was equally unnecessary. I do not conceive that any question of the kind is now under consideration. Indeed, the Chancellor of the Exchequer's speech seemed to me framed and fashioned by anticipation to answer another Amendment of the hon. Member for Hertfordshire, which for a considerable period I saw on the table of the House—an Amendment that probably would not have given rise to a controversy so interesting and so important as the present, which, considering all the circumstances and the period of the Session, must be to most Gentlemen un-

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expected, and which I believe to be unnecessary. The right hon. Gentleman, as I said, has dilated on the merits of the system of free trade, which he thinks is impugned by the Amendment of the hon. Member for Herts. Concluding, as I do, that the principle of unrestricted competition was accepted by this House eight years ago, I do not think it at all necessary either to agree with or differ from the arguments and observations of the Chancellor of the Exchequer upon a subject which does not appear to me to be under consideration. I conclude that those who adopt the principle of unrestricted competition as the principle of our commercial system are also of opinion that that principle should be applied with discretion and prudence; that those who apply the principle to a trade should at least have a full knowledge of the subject, and should be duly acquainted with all the circumstances and incidents of the particular trade; that they should give a general and mature consideration to them when they come to an arrangement, and adjust it according to any exceptional circumstances which may exist. That I take for granted is an opinion which the majority of this House will sanction as a temperate and practical mode of dealing with the subject. I know there is another school of economists who take a more extravagant view of the operation of unrestricted competition, and of the manner in which the principle should be applied. These Gentlemen tell us that we are not to consider what are called exceptional circumstances, and as we have been told to-night by the Chancellor of the Exchequer, that we are not in any way to regulate our conduct by the conduct of foreign Governments. I do not go so far as that opinion of the Chancellor of the Exchequer, and I am emboldened in that because I have here an opinion expressed in language much more able than any I could command which exactly describes what I think. The eloquent speaker who made these observations was denouncing what he called

“The chivalry of free trade, which is degraded if it becomes a matter of bargain, whereas it appears to me (said this eloquent speaker) that a bargain is really the true end and aim of the whole, and the only reason why we have not made a bargain similar to the present in former years was simply that we could not.”

When I remind the House that these were the sentiments and expressions of the Chancellor of the Exchequer, they must be

somewhat surprised that he should have laid down to-night, in terms so unrestricted, the principle that we were not to consider in any way the policy and legislation of other countries upon revenue and commerce. But, it will be said, this is a speech made by the Chancellor of the Exchequer a great many years ago, when probably the right hon. Gentleman was a stout Protectionist, when he was an advocate of that sugar trade, on the sufferings and merits of which he dilated with an eloquence not surpassed by that which we have heard to-night. Quite the reverse. It is the speech of an avowed Free-trader, not only a Member of this House, but in an official position—it is a quotation from the Budget speech of this year. How he can reconcile the opinion which he has given to-night upon the in-advisability of this House regulating its duties on trade by any reference to the regulations of foreign countries with the sentiments so clearly and forcibly expressed which I have just referred to, in vindication of the policy of a commercial treaty, and therefore of reciprocal legislation in matters of commerce, it is not in my power to explain. We have before us to-night the question of the trade of paper. At the commencement of the year a variety of measures affecting the trade and commerce of the country were laid on the table, and recommended to the notice of Parliament by Her Majesty's Government. Some were avowedly in consequence of the Treaty of Commerce which was negotiated and ratified; others were avowedly irrespective and independent of that treaty. The case of the trade in question to-night was avowedly independent and irrespective of the Treaty of Commerce, so far as the papers laid on the table could guide us. And though I listened to-night to the explanation of the Chancellor of the Exchequer with the attention which it deserved, yet having listened to it, and remembering that after the right hon. Gentleman recovered from that illness which we all deplored, this list still reappeared on the table, I still think that the Chancellor of the Exchequer can scarcely find fault with the House, if for a considerable period, even up to this evening, they were under the impression that the question of the paper duty was to be dealt with irrespective of the Treaty of Commerce, whatever may have been the intentions of the Government with regard to those two lists of articles which they had to deal with, partly under the

treaty and partly independent of the treaty, there could be no doubt on this question of the paper duty, that it was dealt with irrespective of the treaty. The right hon. Gentleman himself brought forward a proposal with respect to the manufacture of paper certainly independent of the Treaty of Commerce, which was a very clear and a very intelligible proposal. If it were the intention of the Government to cheapen paper or to stimulate the trade I have no hesitation in saying that they could not introduce a more beneficial proposition than the repeal of the Excise duties on paper. But there are other more important objects, other public interests still higher than cheapening paper and stimulating trade. After long discussion and protracted debates Parliament was of opinion that the measure of the Government for the repeal of the Excise duty on paper was not expedient in the state of the finances of the country—an opinion of which I may say, in passing, subsequent events have shown the wisdom as far as the financial question is concerned, and I do not wish to introduce any question of controversy on other matters. The measure, therefore, did not pass. That plan of the Government having failed, what was the state of this particular trade? Was it one which had never been revised or reformed? Was it one the regulations of which had been invented at a period preceding that when the House accepted unrestricted competition as the general rule of our commercial system? The Government having failed in the mode in which they intended to deal with this trade—a mode which I am willing to admit must have benefited the trade had the finances of the country permitted the adoption of it—had they then to deal with a branch of trade which had not been subjected to the action of the new commercial principles which, during the last quarter of a century, and particularly during the last ten years, have been so generally applied? Quite the reverse. The Customs' duty on paper was dealt with on a very memorable occasion, when great commercial reforms were introduced, when various branches of our industry were subjected to a scrutinizing examination, and when an adjustment was made in deference to, and in harmony with those commercial principles which are now universally accepted. Who was the Minister under whose advice and by whose counsel that critical examination took place, which end-

ed in a great reduction of duty, and in the adjustment of the charge as it exists at present? It happened to be the same Minister who is now Chancellor of the Exchequer, and responsible for the management of the finances of the country. I say, therefore, that the Government, having failed in their policy with respect to the manufacture of paper, cannot tell us that it is now necessary upon that ground to consider the position of a trade the state of which is disgraceful, and not in accordance with the principles which generally regulate our commerce, because only a few years since they examined the condition of this very branch of industry, and adjusted it to the principles which the House has adopted and sanctioned. Such being the case—the Government at the commencement of the Session having failed in their policy with regard to the manufacture of paper, and the trade being left in a condition which they themselves adjusted only a few years ago—it seems to me very extraordinary that upon the 6th of August, at the end of the Session, we should be called upon to examine anew the position of this particular branch of industry, that the paper manufacturers should have their condition suddenly brought before the notice of a jaded House of Commons, and that, to the surprise of every one, a great Parliamentary debate and struggle should now be taking place upon the position of a trade which has already occupied a great deal of our attention in the present Session; which has already been reformed according to the new principles of our commercial system, and which is now again brought under our consideration, when everybody is complaining of the pressure of public business, and when Ministers themselves say it is almost impossible to carry the most necessary measures. What is the cause of this strange proceeding? It is that we are supposed to be bound to act thus under and by virtue of the Commercial Treaty with France. It is not because it is expedient in the present state of the paper manufacture that we should interfere; but, whatever may be the state of the trade, it is incumbent upon us to interfere in consequence of an engagement we have entered into with a foreign Power. The question naturally arises have we entered into such an engagement? Are we quite clear that there is such a stipulation in the treaty? Surely all will agree that with respect to a matter of so much importance, it is highly

to be desired that public documents should be drawn up in language so clear and precise that there really could be no doubt upon it; but I think all will likewise agree that such is not the case in the present instance. All will admit, whatever may be their opinions, that it is much to be regretted that the matter is left in such perfect doubt that contrary opinions are advocated by persons of equal authority. I have listened to the discussion upon the question of our engagements under the French Treaty; but it appears to me, after having heard the rival expositions, and listening to all opinions with the respect that ought to characterize one who seeks information, that the argument of my hon. and learned Friend the Member for Belfast has not even been touched. The most remarkable observation which has been made on the subject is that which has just been advanced by the noble Lord the Foreign Secretary, who of all others should be careful in the exposition of a public treaty; for the noble Lord, when he dwelt upon the 7th Article, which says that all foreign merchandise is to be admitted on paying a duty equal to the Excise, feeling that it was impossible to vindicate the conduct of the Government with respect to hops—that subject on which, according to the Attorney General, there was so much unfortunate vacillation—found fault with the Amendment of the hon. Member for Hertfordshire, which he said was too vague, and did not point to any ultimate result. If you had only proposed, he said, that the duty should fall 1s. a year, as it did in the case of hops, I could have understood your proposition; but your Amendment is too vague to receive my approval. But the suggestion of the noble Lord is one which is a violation of the treaty. It is just as much a violation of the treaty as the Resolution respecting hops. If you once admit that you may conduct yourselves under the French Treaty as the Government has conducted itself on the article of hops, and as the noble Lord says the Government was prepared to conduct itself with respect to the article of paper—if you are to settle what time is to elapse before a certain result is to be consummated, and by what degrees and instalments certain duties are to be reduced—

LORD JOHN RUSSELL: I did not say the Government were prepared to adopt that course. What I said was that the hon. Member for Hertfordshire might have proposed it.

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MR. DISRAELI: And you said it would not be inconsistent with the treaty. I maintain that the course suggested by the noble Lord, if adopted, would be as emphatic a violation of the treaty, according to the construction put upon it on the other side, as any proposition made during this debate. I cannot, therefore, as far as I can form an opinion on the subject, understand how the Government can establish their position that we are bound by the treaty to adopt their Resolutions on the paper duty. No Minister who has spoken has offered any vindication of the course they have taken with respect to hops. Every one will admit that that course is a violation of the treaty. If it is not, then Ministers have been most unfortunate in their speeches, because they have not vindicated themselves from that charge. But, after all, what is this treaty of which we have heard so much? The circumstances of this treaty are most remarkable. One would suppose from the language of the noble Lord that the hon. Member for Hertfordshire was proposing to violate a clear engagement which the country had entered into under some completed public instrument; but I find, when I look at the paper, nothing of the kind. I find a Treaty of Commerce negotiated and ratified, but I find it is to be followed by a supplementary treaty or convention, which is, in fact, to regulate almost all the details of the scheme; and I find that a specific time is allowed for the completion of that supplementary treaty. That period terminated on the 1st of July; but when the 1st of July arrives, no supplementary treaty appears. Instead of a supplementary treaty, I find a new agreement between the English and French Governments, by which, instead of a single convention distinguishing the specific duties to be paid upon British manufactures imported into France, three separate conventions are to be successively concluded; and I find further that the time for negotiating these three conventions is extended to the 1st of November. What security have we that on the 1st of November these three conventions will have been concluded? You have taken five or six months to negotiate a supplementary treaty; you have not negotiated it, and now you propose that three conventions shall be negotiated in the space of three months—three conventions, moreover, which will include some of the most important articles contained in the original treaty. The common opinion is that at the end of November you

will only have partially advanced towards the consummation of your object. The House will see, therefore, that we are not proposing in any way to violate a complete agreement between two countries. This is, in fact, an incomplete negotiation, and there is nothing unreasonable, dangerous, or unjust in our suggesting to the Government that it is quite unnecessary to arrive precipitately at any resolution on the subject of the paper duties after the country has been so greatly disappointed with respect to the raw material of that fabric. On the contrary, it is wise and expedient that we should avail ourselves of the same time that the French Government are availing themselves of, and that during the period which must elapse before the three conventions are concluded we should endeavour to arrive at a fair adjustment of this question, and regulate a trade which does not shrink from fair competition, but which, by the Resolution, will be placed at a disadvantage in comparison with the manufactures of foreign countries. Is there anything unreasonable in the Motion of the hon. Member for Hertfordshire? All that the Amendment of the hon. Member for Hertfordshire proposes is merely that the Government should not call on the House to-night to decide a question which may be postponed, as the questions respecting bar and pig iron, and all the other heads in these conventions to which I have referred, have been postponed by the French Government. Under these circumstances, it appears to me, not only is the Amendment not unreasonable, but it points out a course which I think it would be wise on the part of the Government to adopt. If the Committee had been asked to come to a conclusion at variance with those commercial principles now generally adopted, I could understand that high-flown speech made by the noble Secretary of State. But the speeches of the noble Lord and of the Chancellor of the Exchequer totally avoid the real merits of the question involved in the Amendment, which are moderate in their character, and which recommend themselves to all men of temperate opinions. Just for a moment, let the Government recall the great disappointment which the country naturally experienced in respect to the manner in which this treaty was negotiated, and the length of time which has passed without those expectations being fulfilled on which the country counted. I do not wish to depreciate the Commercial Treaty with France, and I have no doubt that the difficulties of

the negotiators were very considerable; but, at the same time, expectations were held out by the Government to the country with respect to the mode and the time in which that treaty would be negotiated, and the advantages that would accrue from its completion, which expectations have not been fulfilled. This has been necessarily a source of great disappointment. The noble Lord, in his instructions, made very great concessions at once with respect to the duties on brandy to the French Government, and with great frankness expressed his reasons why the Government did not desire to avail themselves of the delay proposed by the French Government in the reduction of certain duties. The noble Lord said he was prepared to recommend some reduction of duty to take place instantly, for that it was important that something should be done as soon as possible to satisfy the public of this country. Well, nothing has been done up to the present moment, and no explanation has been given: and it appears to me that under these circumstances it is not surprising that a particular trade, astonished now to find itself described as in a state of absolute protection—although the principles on which it is carried on were revised only within a few years by the Chancellor of the Exchequer—calls on the Government to hesitate before they conclude the arrangement which has been intimated to the House, and in order that time may be given to the French Government to carry out the measures they had promised. It is well for the noble Lord to say that the question is only that of the reduction of the duty upon the raw material of the paper manufacture. With respect to the prohibition on the export of the raw material from France, the question is, did the Government make a public announcement on the subject which affected the conduct of this House? Everybody remembers that, when the commercial treaty was first brought under our notice, of the various articles on which there existed particular jealousy and alarm paper soon became one, and all recollect the intense satisfaction with which was heard the announcement, twice made by the Government, that France had assented to reduce the duty on the export of the raw material of that manufacture. Therefore, it is not unreasonable that this trade should under the circumstances call on the Government to exhibit some zeal in their favour, and to exert themselves to obtain a boon necessary to the profitable

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exercise of the trade, sanctioned by the soundest principles of commerce, and more than once voluntarily announced by the Government as likely to be secured. Therefore, I still hope that the First Minister will, instead of taking the exaggerated views of this subject which the noble Lord and the Chancellor of the Exchequer have taken, feel that it is a question on which the Government may fairly interpose, and, without violating the engagements of the country under the treaty, may gain much by not precipitating a decision of the House on this subject, and by accepting in its spirit the Amendment of the hon. Member for Hertfordshire. The noble Lord, between this and the next meeting of Parliament, may use the influence he possesses with the French Government in order to obtain the result really sought for by the Amendment. I would prefer such a course of proceeding rather than that we should on the 6th of August have a division of the House and a great party struggle for an object which, in itself, is not comparatively speaking of first-rate importance. No; it is not like the Constitution of the country; though it is the legitimate interest of a thriving trade, still subjected to all the disadvantages of an Excise duty. When we know that the French Government, with great honour and in the spirit of conciliation expressed a willingness not to press us to come to any arrangement on this subject, but to defer the matter until they were able to carry out the engagements which, on their part they are desirous of fulfilling, but which still remain unfulfilled, I wish the noble Lord, avoiding to force the House to a division at the present moment, would accept the proposition of the hon. Member for Hertfordshire. We shall then have the satisfaction of feeling that, when the paper trade is called upon to enter into the competition which is supposed to be entailed by this treaty with France, it will do so with all those advantages to which I believe it is really entitled. If the noble Lord will not do that, the only course I can take is to support the temperate and well-considered Amendment which has been moved by the hon. Member for Hertfordshire.

VISCOUNT PALMERSTON: I entirely agree with the right hon. Gentleman in believing that a division upon this question is not necessary, and I think hon. Members opposite would do well to avoid it. The right hon. Gentleman has urged me

not to adopt unnecessary and exaggerated opinions. Now, undoubtedly, if I had any disposition to adopt such opinions, the course which the debate has taken on the other side of the House would warn me not to do so. The opinions expressed by hon. Gentlemen opposite seem to me not only unnecessary and exaggerated, but inconsistent with their former declarations. The question before the House is whether we shall fulfil the conditions of a treaty concluded with a foreign Power, and whether we shall pursue in this matter the principle of free trade which has been deliberately adopted by all parties in the House. I am not surprised that learned Gentlemen should endeavour to argue away the obligation of the 7th Article, because they are in the habit of refining arguments, splitting hairs, and finding difficulties where other people find none; but I am surprised that unlearned men, who look at matters with plain common sense, and interpret words according to their ordinary meaning—who consider engagements according to the spirit as well as the letter—should entertain any doubt as to the obligation of this 7th Article. Surely, nothing can be plainer. It is there stated that the duty upon merchandise coming from France shall not exceed the Excise duty which may be levied in this country upon articles of the same kind manufactured here. What can be more simple, intelligible, and precise than that engagement? But then it is said that paper was not originally supposed to be included in the provisions of the treaty. Well, my right hon. Friend and my noble Friend have explained clearly how this happened—namely, that it was then anticipated that the Excise duty on paper would be repealed, and that the 7th Article, therefore, would not apply to paper. When, however, the course of events prevented the repeal of the Excise duty, paper came within the 7th Article, and it is in virtue of the provisions contained there that the House is now called upon to conform to the engagements contracted with the French Government. But then it is said that the French Government offered, not by treaty, but by diplomatic communication, to do their utmost to change the law in France in regard to the export of rags; and it is alleged that because the French Government failed in their endeavours to effect the change, the English Government ought also to fail in their endeavours to procure the assent of Parliament to a written engagement solemnly

concluded between the two countries, and ratified by the Sovereigns of both. The cases are not parallel. The French Government have acted in the most honourable manner, and have handsomely stated that they would forego the rights which the treaty gave them, and that if it was inconvenient to the English Government to fulfil the engagement in respect of paper they would waive it for a short time. But is this a reason why we should break faith with the French Government? It is admitted on all sides that they have acted with liberality in this matter; and is that a reason why we should pursue towards them a course diametrically opposed to that which they have adopted towards ourselves. I cannot believe that a British House of Commons will take such a step. Then the right hon. Gentleman states that other conventions are to be signed, regulating the duty on iron and other things, and he says, "Why not postpone also that which is to be done with regard to the Customs' duty on paper?" The right hon. Gentleman is confounding things totally different in their nature. The subject matter of the conventions which are to be signed is the conversion of *ad valorem* into specific duties. The question is not whether there are or are not to be any duties upon these articles; it is simply the adjustment according to the terms of the treaty of *ad valorem* into specific duties; and, therefore, these conventions have no bearing on the question now under consideration. We are now called upon to do that which, if not a direct evasion, would be a shrinking and an escape from the performance of our engagements with France. But the House found no fault with the treaty when it was submitted to them. It is true that when an Address was brought forward expressing approval of the treaty, an addition was moved on the subject of coals. That Amendment, however, was rejected by a majority of 282 to 56, and then the House unanimously voted the Address approving the treaty and engaging to support the Crown in carrying it out. The same House which after deliberate consideration adopted the Address is now called upon to evade indefinitely the execution of one of the engagements in the treaty. It is now said by some Gentlemen on the other side of the House that this is a comparatively trifling question. I should like to know whether that was the light in which it was represented to the various gentlemen who have been called

from distant parts of the kingdom or from foreign countries to take part in the division to-night. I suspect that the representations made to them must have been of a totally different character. I say, then, that the treaty obligation is as plain as it is possible for language to be, and I do trust the House will reject the refined argument which has been adduced to show that there is no treaty obligation. I hope that, looking at it from a plain English point of view, they will acknowledge the existence of such an obligation, and will take the earliest opportunity of carrying it into effect. Then another ground is taken—namely, the bearing of this arrangement upon the particular trade to which these Resolutions apply. Now, I really thought we were all Free-traders here. I remember the time, not very long distant, when hon. Gentlemen opposite raised the standard of “Protection,” which was the rallying cry of the party. But, if I mistake not, Lord Derby in 1852 stated when he dissolved Parliament that he remitted the question of free trade or protection to the decision of the country, and that he would abide, in respect of his choice between those two principles, by the result of that general election. Well, when that general election was over Lord Derby and his colleagues stated that they felt that the country had decided in favour of free trade, and that thenceforward they would fairly and frankly adopt that system. But now this free trade Parliament is called upon to break a treaty for the sake of retaining a fragment of protection for the benefit of one particular trade. My hon. Friend the Member for Pomfret (Mr. Childers) made a most important statement this evening, founded upon his own knowledge of the way in which the paper trade of this country competes with the paper manufacturers of France in third markets, in which no protection operates. Meeting there, he says, upon fair and equal terms, our manufacturers, by their superior skill and the superior article which they produce, have gained a predominance, to the exclusion of the manufacturers of France. That shows that even upon the narrow ground that protection may be required for fostering a manufacture that cannot stand upon its own legs it is demonstrated that the paper trade does not want that protection; that, therefore, even if you were to admit that it is sound policy to make the public buy a dearer or worse article, merely in order that persons who manufac-

ture it should have a profit which they would not otherwise obtain, that false and exploded principle does not apply to this case, because it is demonstrated that the paper manufacturers of England, while labouring under all the difficulties as to obtaining the raw material are able to compete successfully and advantageously in foreign markets with the manufacturers of the very country in which it is said, that the great advantage of the prohibition of the export of the raw material exists. I say therefore, that whether you deal with the question upon the ground of the treaty, or upon the principle of free trade or protection, I have heard no argument against this proposal which has any weight. I am persuaded that the House of Commons will feel that it is bound to maintain the honour of the country by fulfilling obligations of the extent of which no reasonable man can doubt—that it is too far advanced in the adoption of the principles of free trade to retrace its steps—and that to make this trifling exception to a general rule, the application of which has tended so greatly to improve the industry and advance the interests of the country, would be a dereliction of duty of which, in spite of all the ingenious arguments which we have heard, it would never be guilty.

Question put, “That the words proposed to be left out stand part of the proposed Resolution.”

The Committee *divided*:—Ayes 266, Noes 233: Majority 33.

List of the AYES.

Adair, H. E.	Blencowe, J. G.
Adeane, H. J.	Bonham-Carter, J.
Agar-Ellis, hon. L. G. F.	Bouverie, rt. hon. E. P.
Alcock, T.	Bouverie, hon. P. P.
Andover, Viset.	Bright, J.
Angerstein, W.	Briscoe, J. I.
Antrobus, E.	Bristow, A. R.
Ashley, Lord	Brocklehurst, J.
Atherton, Sir W.	Bruce, Lord E.
Ayrton, A. S.	Bruce, H. A.
Bagwell, J.	Buchanan, W.
Baines, E.	Buckley, Gen.
Baring, H. B.	Buller, J. W.
Baring, rt. hon. Sir F. T.	Buller, Sir A. W.
Baring, T. G.	Butler, C. S.
Bass, M. T.	Butt, I.
Bathurst, A. A.	Buxton, C.
Bazley, T.	Caird, J.
Beale, S.	Calcutt, F. M'N.
Bellew, R. M.	Calthorpe, hn. F. H. W. G.
Berkeley, hon. H. F.	Cardwell, rt. hon. E.
Berkeley, Col. F. W. F.	Carnegie, hon. C.
Bethell, Sir R.	Castlerosse, Visct.
Biddulph, Colonel	Cavendish, hon. W.
Biggs, J.	Cavendish, Lord G.
Black, A.	Childers, H. C. E.

Viscount Palmerston

Cholmeley, Sir M. J.	Hayter, rt. hn. Sir W. G.	Pollard-Urquhart, W.	Smith, A.
Churchill, Lord A. S.	Headlam, rt. hon. T. E.	Ponsonby, hon. A.	Somerville, rt. hn. Sir
Clay, J.	Henley, Lord	Portman, hon. W. H. B.	W. M.
Clifford, C. C.	Herbert, rt. hon. H. A.	Pritchard, J.	Staniland, M.
Clifford, Col.	Hodgkinson, G.	Froby, Lord	Stansfeld, J.
Clive, G.	Hodgson, K. D.	Pugh, D. (Carmarthen-	Stuart, Col.
Colebrooke, Sir T. E.	Holland, E.	shire)	Taylor, H.
Collier, R. P.	Howard, hon. C. W. G.	Ramsden, Sir J. W.	Thompson, H. S.
Coningham, W.	Hutt, rt. hon. W.	Raynham, Visct.	Thornhill, W. P.
Cowper, rt. hon. W. F.	Ingham, R.	Ricardo, J. L.	Tite, W.
Craufurd, E. H. J.	Ingram, H.	Ricardo, O.	Tollemache, hon. F. J.
Crawford, R. W.	Jackson, W.	Rich, H.	Tomline, G.
Crook, J.	James, E.	Ridley, G.	Tynte, Col. K.
Crossley, F.	Jervoise, Sir J. C.	Roebuck, J. A.	Vane, Lord H.
Dalglish, R.	Johnstone, Sir J.	Rothschild, Baron L. de	Verney, Sir H.
Davey, R.	Kershaw, J.	Rothschild, Baron M. de	Villiers, rt. hon. C. P.
Davie, Col. F.	King, hon. P. J. L.	Roupell, W.	Vivian, H. H.
Deasy, rt. hon. R.	Kinglake, A. W.	Russell, Lord J.	Warner, E.
Denman, hon. G.	Kinglake, J. A.	Russell, H.	Warre, J. A.
Dent, J. D.	Kingscote, Col.	Russell, A.	Watkins, Col. L.
Dillwyn, L. L.	Kinnaird, hon. A. F.	Russell, F. W.	Wemyss, J. H. E.
Dodson, J. G.	Laing, S.	Russell, Sir W.	Western, S.
Douglas, Sir C.	Langston, J. H.	St. Aubyn, J.	Westhead, J. P. B.
Duff, M. E. G.	Lanigan, J.	Salomons, Mr. Ald.	Whalley, G. H.
Duke, Sir J.	Lawson, W.	Salt, Titus	Whitbread, S.
Dunbar, Sir W.	Leatham, E. A.	Scholefield, W.	White, J.
Duncombe, T.	Lee, W.	Scott, Sir W.	Wickham, H. W.
Dundas, F.	Levinge, Sir R.	Scrope, G. P.	Wilcox, B. M'G.
Dunkellin, Lord	Lewis, rt. hn. Sir G. C.	Scully, V.	Williams, W.
Dunlop, A. M.	Lindsay, W. S.	Seymour, Sir M.	Wood, rt. hon. Sir C.
Dutton, hon. R. H.	Locke, J.	Seymour, H. D.	Wrightson, W. B.
Enfield, Visct.	Lockhart, A. E.	Seymour, W. D.	Wyld, J.
Ennis, J.	Lowe, rt. hon. R.	Shelley, Sir J. V.	Wyvill, M.
Evans, T. W.	Lyall, G.	Sheridan, R. B.	
Ewart, W.	Lysley, W. J.	Sheridan, H. B.	
Ewart, J. C.	Mackie, J.	Sidney, T.	
Ewing, H. E. C.	Mackinnon, W. A.	Smith, J. B.	
Fenwick, H.	Mainwaring, T.		
Ferguson, Col.	Marsh, M. H.		
Fermoy, Lord	Martin, P. W.		
Foley, J. H.	Martin, J.		
Foley, H. W.	Matheson, A.		
Foljambe, F. J. S.	Mellor, J.		
Forster, C.	Mildmay, H. F.		
Foster, W. O.	Milnes, R. M.		
Fortescue, hon. F. D.	Mitchell, T. A.		
Fortescue, C. S.	Moncreiff rt. hon. J.		
Freeland, H. W.	Monson, hon. W. J.		
Gibson, rt. hon. T. M.	Morris, D.		
Gifford, Earl of	Mostyn, hn. T. M. L. E.		
Gilpin, C.	Newark, Visct.		
Gladstone, rt. hon. W.	Noble, J. W.		
Glyn, G. C.	North, F.		
Glyn, G. G.	O'Brien, P.		
Goldsmid, Sir F. H.	O'Connell, Capt. D.		
Gordon, C. W.	Ogilvy, Sir J.		
Gower, hon. F. L.	Onslow, G.		
Graham, rt. hon. Sir J.	Osborne, R. B.		
Greenwood, J.	Owen, Sir J.		
Gregson, S.	Padmore, R.		
Grenfell, C. P.	Paget, C.		
Grey, rt. hon. Sir G.	Paget, Lord A.		
Grosvenor, Earl	Paget, Lord C.		
Gurney, J. H.	Palmerston, Visct.		
Gurney, S.	Paxton, Sir J.		
Hadfield, G.	Pease, H.		
Hanbury, R.	Peel, Sir R.		
Handley, J.	Peel, rt. hon. F.		
Hankey, T.	Peto, Sir S. M.		
Hanmer, Sir J.	Pigott, F.		
Harcourt, G. G.	Pilkington, J.		
Hardeastle, J. A.	Pinney, Col.		
Hartington, Marq. of			

List of the NOES.

Adderley, rt. hon. C. B.	Cochrane, A. D. R. W. B.
Annesley, hon. Col. H.	Codrington, Sir W.
Arbuthnot, hon. Gen.	Cole, hon. J. L.
Archdall, Capt. M.	Conolly, T.
Astell, J. H.	Cooper, C. W.
Ball, E.	Copeland, Mr. Ald.
Baring, T.	Corry, rt. hon. H. L.
Barrow, W. H.	Cubitt, Mr. Ald.
Beach, W. W. B.	Cubitt, G.
Beecroft, G. S.	Curzon, Visct.
Bentineck, G. C.	Dalkeith, Earl of
Benyon, R.	Damer, S. D.
Beresford, rt. hon. W.	Dawson, R. P.
Bernard, hon. Col.	Deedes, W.
Bernard, T. T.	Dickson, Col.
Blake, J.	Disraeli, rt. hon. B.
Bond, J. W. M'G.	Drax, J. S. W. S. E. D.
Bovill, W.	Duncombe, hon. A.
Bowyer, Sir G.	Duncombe, hon. W. E.
Boyd, J.	Dunn, J.
Brady, J.	Dunne, Col.
Bridges, Sir B. W.	Du Pre, C. G.
Brooks, R.	Edwards, Major
Bruen, H.	Egerton, Sir P. G.
Burghley, Lord	Egerton, hon. W.
Cairns, Sir H. M'C.	Ellice, rt. hon. E.
Cartwright, Col.	Elmley, Visct.
Cave, S.	Elphinstone, Sir J. D.
Cayley, E. S.	Estcourt, rt. hn. T. H. S.
Cecil, Lord R.	Farquhar, Sir M.
Close, M. C.	Fellowes, E.
Cobbett, J. M.	Fergusson, Sir J.
Cobbold, J. C.	Filmer, Sir E.

TELLERS.

Brand, hon. H. B. W.
Knatchbull-Hugessen,
E. H.

FitzGerald, W. R. S.
 Forde, Col.
 Forster, Sir G.
 Galway, Visct.
 Gard, R. S.
 George, J.
 Getty, S. G.
 Gilpin, Col.
 Gladstone, Capt.
 Goddard, A. L.
 Gore, J. R. O.
 Gore, W. R. O.
 Graham, Lord W.
 Greaves, E.
 Greene, J.
 Grey de Wilton, Visct.
 Griffith, C. D.
 Grogan, Sir E.
 Haliburton, T. C.
 Hamilton, Lord C.
 Hamilton, J. H.
 Hamilton, Visct.
 Hanbury, hon. Capt.
 Hardy, G.
 Hartopp, E. B.
 Hassard, M.
 Henley, rt. hon. J. W.
 Hennessy, J. P.
 Henniker, Lord
 Herbert, Col. P.
 Heygate, Sir F. W.
 Hill, Lord E.
 Holmesdale, Visct.
 Hood, Sir A. A.
 Hope, G. W.
 Hopwood, J. T.
 Hornby, W. H.
 Horsfall, T. B.
 Horsman, rt. hon. E.
 Howes, E.
 Hubbard, J. G.
 Hume, W. W. F.
 Hunt, G. W.
 Ingestre, Visct.
 Jermyn, Earl
 Jervis, Capt.
 Johnstone, hon. H. B.
 Jolliffe, rt. hon. Sir W.
 G. H.
 Jolliffe, H. H.
 Jones, D.
 Kekewich, S. T.
 Kelly, Sir F.
 Kendall, N.
 Kennard, R. W.
 Kerrison, Sir E. C.
 King, J. K.
 Knatchbull, W. F.
 Knight, F. W.
 Knightley, R.
 Knox, Col.
 Knox, hon. Major S.
 Lacon, Sir E.
 Leeke, Sir H.
 Lefroy, A.
 Legh, W. J.
 Leighton, Sir B.
 Lennox, Lord G. G.
 Leslie, C. P.
 Lever, J. O.
 Lindsay, hon. Col.
 Long, R. P.
 Longfield, R.

Lovaine, Lord
 Lowther, hon. Col.
 Lygon, hon. F.
 Macaulay, K.
 McCormick, W.
 MacEvoy, E.
 McMahon, P.
 Maguire, J. F.
 Malins, R.
 Manners, rt. hn. Lord J.
 March, Earl of
 Maxwell, hon. Col.
 Miles, Sir W.
 Miller, T. J.
 Mills, A.
 Montagu, Lord R.
 Moody, C. A.
 Morgan, O.
 Morgan, hon. Major
 Mowbray, rt. hon. J. R.
 Mundy, W.
 Mure, D.
 Murray, W.
 Naas, Lord
 Newdegate, C. N.
 Newport, Visct.
 Nicol, W.
 Noel, hon. G. J.
 Norris, J. T.
 North, Col.
 Northcote, Sir S. H.
 O'Connor Don, The
 O'Donoghue, The
 Packe, C. W.
 Pakenham, Col.
 Pakington, rt. hn. Sir J.
 Palk, Sir L.
 Palmer, R. W.
 Papillon, P. O.
 Parker, Major W.
 Paull, H.
 Peacocke, G. M. W.
 Peel, rt. hon. Gen.
 Pevensee, Visct.
 Potts, G.
 Powys, P. L.
 Quinn, P.
 Redmond, J. E.
 Repton, G. W. J.
 Ridley, Sir M. W.
 Rolt, J.
 Rowley, hon. R. T.
 Salt, Thomas
 Selater-Booth, G.
 Selwyn, C. J.
 Sibthorp, Major
 Smith, Abel
 Smith, S. G.
 Smollett, P. B.
 Somerset, Col.
 Somes, J.
 Spooner, R.
 Stanley, Lord
 Stirling, W.
 Stuart, Lieut.-Col. W.
 Stracey, Sir H.
 Sullivan, M.
 Talbot, C. R. M.
 Talbot, hon. W. C.
 Thynne, Lord E.
 Thynne, Lord H.
 Torrens, R.
 Trefusis, hon. C. H. R.

Trollope, rt. hon. Sir J.
 Turner, J. A.
 Valletort, Visct.
 Vance, J.
 Vandeleur, Col.
 Vansittart, W.
 Verner, Sir W.
 Walcott, Admiral
 Walker, J. R.
 Walpole, rt. hon. S. H.
 Walsh, Sir J.
 Walter, J.
 Watlington, J. W. P.

Welby, W. E.
 Whiteside, rt. hon. J.
 Whitmore, H.
 Williams, Col.
 Woodd, B. T.
 Wynn, Col.
 Wynn, Sir W. W.
 Wynne, C. G.
 Yorke, hon. E. T.

TELLERS.
 Taylor, Col.
 Puller, C. W. G.

Original Question put, and *agreed to*.

22. Resolved,

“That, in lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall, on and after the 16th day of August, one thousand eight hundred and sixty, be charged thereon on importation from France, and likewise from Algeria, if the produce thereof, into Great Britain and Ireland, namely,

	<i>s. d.</i>
Books, being of editions printed in or since the year 1801, bound or unbound	the cwt. 16 0
— admitted under Treaties of international copyright	the cwt. 15 0
Millboards	the cwt. 16 0

Paper, namely,

Brown paper made of old rope or cordage only, without separating or extracting the pitch or tar therefrom, and without any mixture of other materials therewith, the cwt.	16 0
Printed, painted, or stained paperhangings, or flock paper, the cwt.	14 0
Gilt, stained, coloured, embossed, and all fancy kinds, not being paperhangings	the cwt. 16 0
Waste Paper, or Paper of any sort, not particularly enumerated or described, not otherwise charged with Duty	the cwt. 16 0

Pasteboard the cwt. 15 0

Prints and Drawings, namely,

Plain or coloured	the cwt. 16 0
Admitted under Treaties of international copyright	the cwt. 15 0
— or at the option of the importer,	
Single	each 0 0½
Bound	the dozen 0 1½

THE CHANCELLOR OF THE EXCHEQUER said, the difference between the first and second Resolution was simple and well understood, and as the subject of protection and free trade had been so amply discussed, he thought it would be for the convenience of the Committee to take the question at once upon the second Resolution.

Motion made, and Question proposed,

"That, in lieu of the Duties of Customs now charged on the articles under-mentioned, the following Duties of Customs shall, on and after the 16th day of August, one thousand eight hundred and sixty, be charged thereon on importation from Countries other than France and Algeria, namely,

Books :

MR. PULLER begged to remind hon. Members that there was a most important distinction between this and the previous Resolution. The argument drawn from the obligations of the treaty did not apply to this; and as regarded the manufacturers whose case he had undertaken to support, it was of vital importance that the Resolutions should not be extended to other countries beyond the scope of the treaty. He would, therefore, still move the Amendment of which he had given notice.

Amendment proposed,

"To leave out from the word 'That' to the end of the proposed Resolution, in order to add the words 'without desiring to prejudice the question of a reduction at a future period of the Customs Duty on Books and Paper, this Committee does not think fit at present to assent to such reduction.'"

MR. DISRAELI said, that the question raised by the first Amendment was of considerable importance, and it was necessary that the matter should be fully discussed; but the Amendment on the second Resolution appeared to be one which, if carried, would involve them in very great trouble. By admitting the first Resolution they would become involved with all those nations which came within the most favoured nation clause. That clause, he believed, did not extend to all the other nations, but in considering the Amendment, as applied to them, they would have to consider the whole question of protection to native industry, and he was not prepared to enter into the lists on that question. So far, therefore, as his support was concerned, the hon. Member for Hertfordshire must not count upon it if he went to a division.

MR. NEWDEGATE said, that the suffering caused by the financial scheme of the Chancellor of the Exchequer in the large constituency he represented was so great that he felt it his duty to support the hon. Member for Hertfordshire if he went to a division.

Question, "That the words proposed to be left out stand part of the proposed Resolution,"

Put, and agreed to.

Original Question put, and agreed to.

23. Resolved,

"That, in lieu of the Duties of Customs now charged on the articles under-mentioned, the following Duties of Customs shall, on and after the 16th day of August, one thousand eight hundred and sixty, be charged thereon on importation from Countries other than France and Algeria, namely,

Books, being of editions printed in or since the year 1801, bound or unbound	the cwt.	16	0
— admitted under Treaties of international copyright	the cwt.	15	0
Millboards	the cwt.	16	0
Paper, namely			
Brown paper made of old rope or cordage only, without separating or extracting the pitch or tar therefrom, and without any mixture of other materials therewith, the cwt.	16	0	
Printed, painted, or stained paper-hangings, or flock paper, the cwt.	14	0	
Gilt, stained, coloured, embossed, and all fancy kinds, not being paper hangings	the cwt.	16	0
Waste Paper, or Paper of any sort, not particularly enumerated, or described, not otherwise charged with Duty	the cwt.	16	0
Pasteboard	the cwt.	15	0
Prints and Drawings, namely			
Plain or coloured	the cwt.	16	0
Admitted under Treaties of international copyright	the cwt.	15	0
— or at the option of the importer,			
Single	each	0	0½
Bound	the dozen	0	1½

CUSTOMS ACTS—WINE DUTIES.

THE CHANCELLOR OF THE EXCHEQUER said, the next Resolution he had to propose to the Committee related to the Duties on Wine. It was a Resolution of adjustment, and provided for a relative increase of the duties on the stronger kinds of wine, in consequence of the increase on spirits.

24. Resolved,

"That, in lieu of the Duties of Customs chargeable on the articles undermentioned on and after the first day of January, one thousand eight hundred and sixty-one, the following Duties of Customs shall, on and after that date, be charged thereon on importation into Great Britain and Ireland, and without any allowance for drawback, namely,

[See next page for Table of Duties of Customs.]

House resumed.

Resolutions to be reported To-morrow.

House adjourned at half after
Two o'clock.

		Containing less than the following Rates of Proof Spirit, verified by Sykes' Hydrometer, namely,				If Imported in Bottles, and containing less than 40 degrees.
		18 degrees.	26 degrees.	40 degrees.	45 degrees.	
Wine, of or from Foreign Countries—		<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Red	the gallon	1 0	1 9	2 5	2 11	2 5
White	the gallon	1 0	1 9	2 5	2 11	2 5
Lees of such Wine	the gallon	1 0	1 9	2 5	2 11	2 5
Wine, the growth and produce of any British possession—						
Red	the gallon	1 0	1 9	2 5	2 11	2 5
White	the gallon	1 0	1 9	2 5	2 11	2 5
Lees of such Wine	the gallon	1 0	1 9	2 5	2 11	2 5

HOUSE OF LORDS,

Tuesday, August 7, 1860.

MINUTES.] PUBLIC BILLS.—1^a Chancery Evidence Commission; Refreshment Houses and Wine Licences (Ireland).
 2^a Rifle Volunteer Corps; Census (Scotland); Corrupt Practices Prevention Act (1854) Continuance.
 3^a Game Certificates, &c.; Naval Discipline; Senior Member of Council (India); Admiralty Jurisdiction (India); Superannuation Act (1859) Amendment.

MILITIA BALLOT BILL.

REPORT OF AMENDMENTS.

Order of the Day read for the Report of the Amendments on this Bill.

THE MARQUESS OF SALISBURY objected to the provision of the 19th Clause, by which the age up to which men could be balloted for the Militia was fixed at thirty instead of at thirty-five, as under the existing Act. The ballot, to his view, was nothing but an odious system of conscription, but the diminution in the area over which it extended necessarily increased its pressure upon those who still remained liable to it. Men of between thirty and thirty-five were surely quite capable of serving in the Militia, and he thought their exemption ought not to be made part of a mere continuance Bill.

EARL DE GREY AND RIPON said, he did not see why, merely because this was a continuance Bill, an alteration might not be made by it that was otherwise unobjectionable. No doubt by exempting persons of between thirty and thirty-five from the ballot they to a certain extent increased the burden upon those who would still fall under its operation—namely, those of

the ages between eighteen and thirty; but it should be remembered that the younger a man was the less inconvenient it was for him to be forcibly taken away from his civil occupation to serve in the Militia. After thirty, however, a man's habits and position in life were, generally speaking, more fixed, and it was therefore desirable that that class should, if possible, be relieved from all anxiety with respect to being compelled to join the Militia. The number of persons who would be liable to the ballot under the provisions of this Bill was much larger than the number who were liable to the ballot in 1800, and almost as large as the corresponding class in 1815. In 1800, when the ages to which the ballot was applicable were from 18 to 45 the number of persons liable to it was 1,900,000; and in 1815 it was 2,329,000. Now, according to an estimate furnished by the Registrar General, the number of males between the ages of 18 and 30 was at present 2,227,000. Thus the pressure of the ballot upon those brought under its operation would be less severe now than in 1800, and much the same as in 1815. In 1852 the Government of the noble Earl opposite (the Earl of Derby) reduced the *maximum* age from 45 to 35; and, taking a further step in the same direction, it was now proposed to reduce it to 30. Men of between 30 and 35, if they were good workmen, were likely to have an opportunity of obtaining permanent situations, which it was important they should be able to accept; but they might be precluded from doing so if they could be called upon to serve in the Militia; his right hon. Friend the Secretary of State for War consequently felt that it would be expedient at once to set free men above 30 years of

age from all apprehension of the ballot. The views of his right hon. Friend on this subject had the approval of many eminent Militia colonels and other persons well acquainted with the circumstances of that service; and, as this provision had been passed by the other House, which was especially bound to consider the requirements of the population in such matters, it would be unadvisable for their Lordships now to alter the Bill. He ventured to hope that their Lordships would agree to the clause as it stood.

THE EARL OF DERBY considered that the argument of the noble Earl would be equally valid if the reduction in the age of those to be balloted for the Militia were to be from the age of 30 to that of 25, and he could not but think that if they were to have recourse to a system so expensive and so generally objectionable as the ballot the area should, in all policy and justice, be made as wide as possible. But there was one point to which the noble Earl had not referred. Whenever the ballot was really in operation it would act as a powerful preventive to recruiting for the regular army, and therefore it was peculiarly desirable that the largest possible number of men who would not be available for the regular army should be included in the operation of the ballot;—so that the two systems might not unnecessarily be brought into collision. During the late war, when the ballot was carried out to a great extent, the price given for substitutes was so large as to render it impossible to obtain recruits for the regular army, and it became necessary to put a stop to the ballot for two years. For these reasons he thought the alteration proposed by the noble Earl injudicious, and calculated to make the pressure of the ballot more grievous than it otherwise would be, and would exempt from the Militia a valuable class of men who would not be qualified for service in the regular army. He would suggest, if the noble Earl insisted on the expediency of reducing the *maximum* age from 35 to 30, he should consider the policy of also reducing the *minimum* age from 18 to 16, which would admit a class of lads whose wages in farm work must be comparatively small, who would be perfectly able to do the duty of the Militia, enlisting for five years, and would then be most serviceable in the regular army.

EARL GRANVILLE thought the suggestion of the noble Earl very judicious, and promised that full consideration should

be given to it before the third reading of the Bill.

THE EARL OF DERBY hoped the reduction of the *maximum* age would also be kept open till the third reading.

Amendments *Reported*.

Further Amendments made; Bill to be read 3^a on *Friday* next.

RIFLE VOLUNTEER CORPS BILL.— PRACTISING GROUNDS.

RESOLUTION OF URGENCY. SECOND READING.

EARL DE GREY AND RIPON rose to move that the measure was of so urgent a nature as to come within the exception to the Resolution adopted by the House, and stated that the object of the Bill which he proposed to read a second time was to afford facilities to Rifle Volunteer corps throughout the country for acquiring practising grounds. The Bill had been introduced into the other House of Parliament by a private Member sitting on the Opposition benches, and was not in any sense a Government measure; but in the altered shape in which it had come up to their Lordships' House it appeared to be a Bill to which it was desirable they should give their assent. In requesting their Lordships now to read it a second time as a matter of urgency, he would observe that Rifle Volunteer corps through the country had the utmost difficulties presented to their acquiring practising grounds. It was quite unnecessary that he should remind their Lordships of the public spirit and patriotism which had been exhibited throughout the country in the formation of these corps. They had seen in the Metropolis, at the review held by Her Majesty some time ago, proofs of the high degree of efficiency in drill which these corps had attained; and no doubt the review which he believed was at that moment going on in the city of Edinburgh would show that the corps in Scotland and the north of England were in an equally advanced condition of efficiency. But it was one of the first essentials of rifle corps that the members should be good shots—that they should know how to use the rifle well, and be practised in the use of it. This could not be without good practising grounds. There were considerable difficulties in many parts of the country in acquiring land for establishing these grounds, and if the Bill did not pass, and the remainder of the summer were allowed to go by without giving the Volunteers the fa-

cilities required, the efficiency of the corps already raised would be very seriously impaired, and the formation of others proportionally discouraged. The provisions of the Bill had now nothing in them of a compulsory character, and he trusted their Lordships would mark their sense of the public spirit evinced by these corps and their desire to promote their efficiency by removing all technical obstacles to their acquiring practising grounds. He concluded by moving to resolve—

“That as the Means of acquiring proper Training and Efficiency in the Use of the Rifle will be denied to the Members of many Volunteer Corps and the raising of new Corps discouraged unless practising Grounds can be secured forthwith, the Want of which has been already felt in many Places, and for the obtaining of which increased Facilities are greatly required, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary.”

EARL SPENCER most cordially approved the Volunteer Rifle corps movement. Its utility, however, depended on its permanence; and it had elements which he thought would tend to make it permanent. Among its various recommendations there was, first of all, the manly exercise which all effective members of Volunteer corps must have; there was also the social intercourse which was inseparable from their meetings, and there was the crowning feeling that in participating in those enjoyments they were conferring a benefit on the country by assisting in its defence. Above all there was the charm of rifle shooting, which was so very popular in Switzerland, America, and Germany; and from what he had seen in the Metropolis and in the country districts he would say should be equally popular in England. Rifle shooting would be one of the great means of keeping corps together, and he hoped their Lordships would agree to this Resolution and read the Bill a second time, not only with a view to increase the efficiency of corps in rifle shooting, but also as a means of really making permanent the Volunteer movement.

Resolution agreed to.

Bill read 2^a (according to Order); and committed to a Committee of the whole House on *Thursday* next.

NAVAL DISCIPLINE BILL.

THIRD READING.

Bill read 3^a (according to Order).

THE EARL OF HARDWICKE said, that, although the measure was one which was,

Earl de Grey and Ripon

no doubt, calculated to effect some advantageous changes in connection with our system of naval discipline by detailing more minutely the description of punishment which would follow particular offences, yet there were some of its provisions which were not altogether free from objection. The main change which it was proposed by its means to introduce was to enable imprisonment to be inflicted in lieu of corporal punishment by the commander of a ship—a step which was, no doubt, in accordance with public feeling. While taking that step, however, it was well that it should be borne in mind that when a fleet was in presence of an enemy, or in those cases in which it became of great importance that the strength of a ship should not be diminished, punishment must proceed pretty much in accordance with the old system. The Bill further provided that the punishments in question should not be inflicted until an inquiry, conducted by officers appointed by the captain of the ship, had been instituted, and it was by the clause which contained that provision, more than any other embraced in the measure, that a new system of government on board a man-of-war was inaugurated. Now, the first thing which the noble Duke at the head of the Admiralty would, as a consequence of the provisions of that clause be compelled to do, would be to regulate the manner in which the proposed trial was to take place, the modes in which evidence was to be taken upon it; in short, to arrange and define the system of procedure of a new tribunal, of the statements laid before which the captain of the ship was to know nothing until the Court reported, when he would be empowered to act upon the recommendations embodied in the Report or not, as he might deem fit. Under the new system a great control would, notwithstanding that option, be exercised over the discipline of a vessel by the tribunal to which he referred; while he could not help thinking that the best way to secure the soundness of that discipline would be to make the captain responsible for its maintenance, under the eye of the Admiralty and the Executive Government. The adoption of a different course would, he feared, lead to the existence of a state of things under which the authority of the captain on board his ship would be greatly impaired; while there was the additional objection to the clause that in small vessels—such,

for instance, as gunboats—considerable difficulty would be experienced in finding a sufficient number of officers to constitute the proposed tribunal. He might also observe that he did not look upon the Board of Admiralty as a good Court of appeal from the sentence of a court-martial, especially in cases in which they were called upon to review—being compelled to base their decision on written evidence—the sentence of a Court which had the entire evidence adduced in an oral form before them. Constituting the Board of Admiralty a Court of appeal, under such circumstances, was simply making it the supervisor of the decisions of tribunals more competent to pronounce an opinion on the questions which came under their consideration than the Admiralty itself. There was also another clause in the Bill under the operation of which a seaman might be dealt with for flagrant misconduct on shore in the same way as if it had been committed on board ship; to which clause he gave his entire and cordial assent. He should not further advert to that clause or to the measure generally than to express a hope that it might be successful in attaining the object which its authors had in view.

THE DUKE OF SOMERSET said, that by means of the power which the clause which the noble Earl had last mentioned conferred, it was hoped a great improvement in our system of naval discipline would be effected. The clause relative to the institution of an inquiry before corporal punishment could be inflicted on a seaman, to which the noble Earl had more particularly alluded, would, he thought, be productive of this good result—that, while under its operation the discipline of the navy would in no degree be likely to be impaired, an additional inducement would be held out to the seamen of the merchant to enter the naval service; for entering into which they were at present deterred by the existence of corporal punishment. The clause would by no means take away in any important sense the authority which a captain exercised on board his ship, inasmuch as he might, as the noble Earl had already stated, set aside, on his own responsibility, the recommendations which might be contained in the reports of the proposed courts of inquiry. The transference to the Admiralty of the power to review the decisions of courts martial was merely a legislative sanction of a practice that already existed.

Amendments made.

Bill *passed*, and sent to the Commons.

CENSUS (SCOTLAND) BILL.

RESOLUTION OF URGENCY. SECOND READING.

EARL GRANVILLE rose and

Moved to Resolve,

"That as regards the Census (Scotland) Bill, inasmuch as unless proper Provision be made during the present Session of Parliament with respect to the Census of Scotland that Census cannot be taken simultaneously with those of England and Ireland, the Circumstances which require Legislation on the Subject Matter of the said Bill are of such real Urgency as to render the immediate Consideration of the same necessary."

Resolution agreed to.

Bill read 2^a (according to Order) and *committed* to a Committee of the whole House on *Thursday* next.

CORRUPT PRACTICES ACT (1854) CONTINUANCE BILL.

RESOLUTION OF URGENCY. SECOND READING.

EARL GRANVILLE rose and

Moved to Resolve,

"That as regards the Corrupt Practices Prevention Act (1854) Continuance Bill, inasmuch as the Provisions of that Act and of the Act amending the same with respect to Bribery, Treating, and undue Influence at Elections of Members of Parliament will almost immediately expire unless the same be continued by this Bill, it is the Opinion of this House, that the Circumstances which render Legislation on the Subject of the said Bill expedient are of such Urgency as to render the immediate Consideration of the same necessary."

Resolution agreed to.

Bill read 2^a (according to Order) and *committed* to a Committee of the whole House on *Thursday* next.

BUSINESS OF THE SESSION.

QUESTION.

THE EARL OF DERBY rose to put the Question to the Lord President as to which of the Bills now waiting for Second Reading Her Majesty's Government intend to proceed with—and said that, before he put the question, he was desirous of eliciting an expression of opinion upon two Bills which stood for a second reading—namely, the Ecclesiastical Commission Bill and the Poor Law Relief (Ireland) Bill. If he did not mistake, the noble Lord President had expressed an opinion that certain clauses which had been introduced into the former Bill were absolutely necessary; and inasmuch as those clauses had been rejected

in the House of Commons, he wished to know the intention of the noble Earl whether he proposed to proceed with the Bill in its present shape? The other Bill, the Poor Law Board (Ireland) Continuance Bill, it was unquestionably desirable should be passed; but it did not at all follow that in a measure intended to prevent the powers of the Board from expiring, provisions making considerable alterations in their functions ought to be introduced, to which grave objections were entertained by many of the Irish Peers. He was not disposed to insist on the too strict enforcement of the Resolution which their Lordships had adopted; but he thought they ought to guard against such alterations being introduced under colour of a mere continuance Bill, and receiving the assent of the House on the plea of urgency. He trusted, therefore, that the Government would consent to make the Bill a continuance Bill merely. The question he wished to ask the noble Earl was, whether he would have the kindness to state which of the Bills now in their Lordships' House and waiting for a second reading, the Government considered of such urgency and necessity as to induce them to ask the House to dispense with the rule which had been laid down for the guidance of their proceedings. He would extend that question one degree further than the notice he had given; because he observed that a number of Bills which had not reached their Lordships' House, were still in progress in the other House of Parliament. With regard to these, their Lordships would doubtless agree with him that the case must be a very strong one which would justify them in departing from the rule fixed by the Resolution, which had been brought up to the House so long after the time fixed by the Resolution. To the Bills requisite for the purposes of Supply, and to complete the financial arrangements of the year, he was quite sure there would be no opposition at whatever time they came up; indeed, they had been specially excluded from the operation of the Resolution; but respecting other measures they ought to be cautious in admitting the plea of urgency. It was very desirable, he thought, that in the conduct of business a perfect understanding should exist between both Houses; for though the House of Commons had no very great time to spare, and everybody was anxious to close the business of the Session, he had seen time wasted in the discussion of Bills

which were even yet in very early stages; and with regard to which, if they reached that House, their Lordships, he apprehended, would not admit the plea of urgency. He might instance one of the measures to which he referred. There was one very long and much disputed, partaking, in some degree, of the nature of a private Bill—the Metropolis Local Management Bill. To this measure, which had given rise to much controversy, and which affected a great many interests, and with respect to which it was quite certain that there was no chance of its receiving due consideration this Session, their Lordships would never think of applying the principle of urgency; and yet he had seen certainly one whole day, if not two, occupied in discussing Amendments to that Bill in Committee, and it had not got beyond that stage at the present moment. There was one measure which was to be discussed by the House of Commons that evening, to which Her Majesty's Government attached much importance, and which was certainly a matter of urgency and necessity; for, although he could not say he was very well satisfied with the mode in which Her Majesty's Government had dealt with that question, still he thought the difficulties surrounding it would be immensely increased by leaving it until another Session—he meant the Bill which had been introduced for the reconstitution of the Indian Army. At whatever inconvenience, therefore, he thought the Government had a perfect right to ask the House to discuss that measure. He thought, however, that the House had a right to know, at this period of the Session, what measures the Government considered measures of such urgency, that they ought to be proceeded with. Of course, he should give all the assistance in his power to the consideration and despatch of the necessary financial measures; but with that exception, and Bills of real urgency, he trusted no other business would be proceeded with.

EARL GRANVILLE was understood to say, that of the Bills referred to by the noble Earl, the Ecclesiastical Commission Bill stood on the paper for Thursday; the Poor Law Board Continuance (Ireland) Bill would be taken on Friday. The Government certainly intended to proceed with them both; but it was not for him to say how their Lordships would deal with them. The House would likewise be asked to agree to the Savings Banks and Friendly

Societies Investments Bill, and to the East India Stock Transfer Bill. Of the Landlord and Tenant (Ireland) Bill, and of some other measures still in the other House, he at present knew nothing. The Fortifications Bill, however, would be brought before their Lordships, and, he hoped, would receive favourable consideration at their hands. He did not place in the list the Bills connected with money, which of course would be exempted from the operation of the Resolution. Then there were the Fortifications and Works Bill, which he trusted would be considered of sufficient urgency to be exempted from it also; the India Forces Bill, which was also of great importance; the Land Improvement (Ireland) Bill, which, though of great importance also, was not a Government Bill; the Roman Catholic Charities Bill, and the Industrial Schools Bill. The Metropolis Local Management Bill was not one, perhaps, of real urgency, but it would be for their Lordships to consider whether it ought to be exempted from the Resolution. No doubt the Resolution itself, though, perhaps, some persons might take exception to the principle of it, had worked very well in practice, still there might occur cases in which the rigid application of it would place their Lordships in a very awkward position. The other House had been sitting for an unprecedented number of hours every day, and it would not look very well for their Lordships to strike work five or six weeks before the end of the Session—[“Oh! oh!”]—well, at any rate, a good month. He approved the working of the Resolution, and was anxious that it should not break down; and he thought, therefore, that their Lordships ought to be careful in this respect. In conclusion, the noble Earl was understood to express his dissent from the principle that continuance Bills should not contain any amendment or alteration of the law.

THE MARQUESS OF CLANRICARDE said, he had not gathered from the noble Earl's statement whether it was intended to bring in any new Bill with regard to India, and especially with regard to Indian finance, which was not already before Parliament. Such a Bill, of course, would not come within the operation of the Resolution; still it was just as well that their Lordships should know whether such a Bill was likely to be brought before them.

After a few words from the Earl of CHICHESTER,

LORD REDESDALE thought that all noble Lords would admit that he had never factiously opposed the relaxation of this Resolution. In fact, he had always assisted in recommending the House to relax it in all cases where there was any real urgency shown. But, on the present occasion, as far as he could understand the statement of the noble Earl opposite, it amounted to this—that all the Bills now before Parliament were urgent, and that for the simple reason of the extraordinary length to which the Session was to be prolonged. The intention of the Resolution was to enable noble Lords to judge of the time when their attendance in town would be no longer necessary; and if, from the inability of the Government to carry on the business of the country at the usual rate, the Parliamentary Session could not be closed at the usual time, he did not think their Lordships ought to suffer; and they certainly had a right to complain of the arrangements of the Government in respect of particular Bills. In his opinion notice should be given at the earliest possible period after the expiration of the period fixed by the Resolution of the intention of the Government to proceed with any measure. The House had a right to complain that whereas the Poor Relief (Ireland) Bill had been introduced a week ago; the second reading was fixed for as late a day as Friday, when the attendance of Irish Peers who took an interest in these matters must necessarily be very small. With regard to Continuance Bills, he was distinctly of opinion that no provision ought to be introduced into them altering the law in any way. They ought to be confined entirely to continuing the operation of the particular Act to which they relate. He could not admit that the circumstances which would justify their passing in a thin House a simple Continuance Bill would justify their making important alterations in the Poor Law of Ireland. He thought that after the delay of ten days between the Bill coming up to their Lordships and the time proposed for the second reading, they ought not to be called upon to discuss clauses which had nothing to do with a Continuance Bill, in the absence of a great number of the Irish Peers. It might cause inconvenience if the Local Government Supplemental Bill was not proceeded with; and as he had no wish to be blown up, there might be some reason alleged for passing the Gunpowder Bill; although it certainly appeared to him to establish a

new code of laws which had not before been deemed necessary. But as to the Savings Banks and Friendly Societies Investments Bill, it was not urgent; and it was extremely objectionable, because the object seemed to be to enable a species of stockjobbing to be carried on by the Chancellor of the Exchequer with the funds of Friendly Societies. He knew nothing about the East India Stock Transfer Bill. The Landlord and Tenant (Ireland) Bill was represented as supplementary to the Improvement Bill which their Lordships had passed; but he was not prepared to say whether that circumstance would justify their proceeding with it. The Industrial Schools Amendment Bill could not be very urgent; and the Roman Catholic Charities Bill was of such importance that, unless it was in a satisfactory shape, it ought not to be discussed in a thin House at the extreme end of the Session. The Metropolis Local Management Bill had met with considerable opposition. The Bill was confessedly of little interest to the Government; and, as it was pressed forward by parties connected with a very oppressive Board, he did not think it was a measure which ought to be proceeded with at a late period of the Session. The proposition to expend large sums of money on fortifications and the defences of the realm of itself showed that urgency could very properly be pleaded in favour of those Bills; but with regard to many of those which he had mentioned, there was no such justification. It should be remembered that the Resolution was intended to prevent Bills being passed without deliberation, and being considered in a thin House, unless they were so urgent as to render their immediate consideration absolutely necessary. The fact, therefore, that Parliament was unusually prolonged, was no reason why Bills not really urgent should evade the operation of the Resolution.

VISCOUNT DUNGANNON said, he believed there had been an understanding between the Government and the Irish Members in the other House to the effect that the Poor Relief (Ireland) Bill should be nothing more than a Continuance Bill; and yet there had been inserted in it two important clauses, to one of which he confessed that he entertained a considerable objection. He thought that it ought to be passed as a mere continuance measure.

LORD WODEHOUSE said, that the Poor Relief (Ireland) Bill, as it was first

Lord Redesdale

introduced, contained several new and important provisions; but it had been withdrawn in consequence of the opposition which it encountered. A Continuance Bill was then brought forward, and it was with the consent of the Irish Members that the two clauses to which the noble Viscount objected were inserted in the measure. One of those clauses was proposed by Mr. Hennessy, and the other was supported by Mr. Monsell, with the concurrence, as it was supposed, of the Irish Members generally.

LORD STANLEY OF ALDERLEY agreed that a Bill brought in as a Continuance Bill ought to be passed simply as a Continuance Bill, and that clauses of importance ought not to be introduced into it. The Resolution fixing the period up to which their Lordships would read Bills a second time was, in his opinion, intended not so much to limit the duration of the Session as to provide that no Bills should be hurried through the House without due consideration; and it therefore appeared to him that if from any circumstances the Session was unusually prolonged, that Resolution need not be strictly adhered to.

LORD LYVEDEN said, he thought it was important that some explanation should be given upon a subject to which a noble Marquess (the Marquess of Clanricarde) had already adverted. A report had gone abroad to the effect that in the present state of the Indian finances the Government believed it would be necessary for them to introduce an Indian Loan Bill before the close of the Session. He should be glad to know whether there was any truth in that rumour. He doubted whether such a measure could be brought within the exception of the Resolution.

LORD REDESDALE said, that if such a loan Bill were introduced he thought it might fairly be considered a measure of urgency.

House adjourned at a Quarter before
Seven o'clock, to Thursday next,
Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, August 7, 1860.

MINUTES.] PUBLIC BILLS.—1^o Consolidated Fund (£10,000,000).

2^o Titles to Land (Scotland) Act (1858) Amendment.

3^o European Forces (India).

ROMAN CATHOLIC CHARITIES BILL.
COMMITTEE.

Order for Committee read.

House in Committee,

Clause 5, (The Trusts of Charities in the Absence of Settlements may be ascertained from the Usage).

MR. SELWYN: Mr. Chairman, when the Committee was last engaged in the discussion of this Bill, I stated that I objected to Clause 5 standing part of the Bill if Clause 1 remained either in the shape of which it appears on the printed paper or as it is proposed by my hon. and learned Friend the Attorney General. I also stated that if that clause were altered in the manner that had been suggested by hon. Members near me on more than one occasion, I should not be disposed to persevere in my opposition to the 5th Clause; and with a view to avoiding unnecessary discussions and divisions, I requested, and I believe I obtained, the tacit assent of the Committee to consolidate the discussion on the 1st and 5th Clauses, which are closely associated together. I think I may now congratulate the Committee upon having at last arrived at a period when this matter may be fairly discussed; and I believe that the result of free discussion will be to show that the points of difference are reduced to a narrow issue, and that the question may now be disposed of without further waste of time. The hon. and learned Member for Dundalk was a little hard upon those who opposed the Bill when he complained of the manner in which their opposition was conducted. It was not, however, our fault; rather it was our misfortune that the Bill has been put down day after day at the bottom of the list, or has been called upon at times when discussion was impossible. I agree with my hon. and learned Friend the Attorney General that, in order to arrive at a proper conclusion with respect to either the 5th or the 1st Clause, it is necessary to consider, first, what is the existing law on the subject, and, in the next place, the decisions to which the Committee has already come. I do not ask the Committee to reverse anything it has done before, although I was not able to acquiesce in its decisions, and have voted in the minority against some of them. But the first question is, what is the existing law upon the subject? And here I ought to apologise to the right hon. Gentleman the Member for Calne (Mr. Lowe), for having attributed to him, on a former occasion, opin-

ions with regard to the law which were in fact pronounced by one of his colleagues. I believe that the right hon. Gentleman, so far from differing from me respecting the state of the law as I laid it down on the last occasion, in fact agrees in that view. So that it is only necessary for me now to refer to what I stated on that occasion; that is, that the decision of Lord Cottenham, in the case of "*West v. Shuttleworth*," to the effect that a gift made for the purpose of saying masses for the souls of the dead comes under the head of "superstitious uses," and is consequently illegal and void, was a decision which did not strain the existing law, and was not an innovation upon the decisions of former Judges, but that it was in entire unison with the previous authorities and with the statute law. That decision has not been departed from, but has been fully recognized down to the last reported case—a case which arose upon the construction to be placed upon the will of the celebrated musician, Dragonetti, and which was decided a few years since by Vice-Chancellor Kindersley, who stated that the decision of Lord Cottenham left no doubt whatever as to the state of the law upon the subject, down to the passing of the Act of the 2nd & 3rd William IV. I trust, therefore, that we shall hear of no further doubts upon that head. I come now to consider what the Committee has already decided. And, in the first place, I cannot help thinking it will be seen that the decision to which the Committee arrived has given to Roman Catholic charities a considerable advantage when compared with other charities. For upon a division on the question whether gifts for Roman Catholic purposes were to be exempt from the obligation which the law imposes in respect of all other charitable gifts—namely, that the founder of a charity should have survived the gift for the space of twelve months—the Committee decided that that provision should not remain in force so far as Roman Catholic charities were concerned. I was unable myself to see the reason of that distinction, and I spoke and voted against it, but it was carried by a majority, and whilst we are considering the Bill in Committee, we are bound to acquiesce in that determination. The Committee has evinced a disposition to give another considerable benefit to Roman Catholic charities. For whereas, as was pointed out by my hon. and learned Friend the Attorney General, in all other cases where that which

is legal is inseparably connected with that which is illegal, the whole becomes void, and the property lapses to the heir or next of kin of the founder, or in some instances to the residuary legatee; notwithstanding that rule, which is also applicable to the cases of charities, it appeared to be the opinion of a large majority of the Committee that, in respect of Roman Catholic charities, although there might be a portion which was good and a portion which was void by reason of the gift being subject to the rule against superstitious uses, yet the gift should not, in the case of a Roman Catholic charity, be void, and that there shall not be a lapse in favour of the heir or next of kin. I am not very wrong, therefore, in saying that the decision of the Committee has gone a long way in straining the existing law in favour of Roman Catholic charities; and, if this be so, that it is not unreasonable to ask for something on the other side. Well, what is now asked on the other side? And what is the point at issue in these two clauses? In the first place, it is required, and in this the Committee has acquiesced, that instead of their being as heretofore two or three different sets of deeds, one or other of which is to be produced as occasion requires and the rest to be concealed, there shall in future be publicity with regard to such charities as with respect to all others, and that the governing deed shall be enrolled. That was adopted by the Committee. But the next question that arises, and it only arises in cases where, according to the existing law, there is something illegal, and therefore void; the real question now at issue is this—in such cases where there is something that by law is illegal and void, but which by the construction the Committee wishes to put upon Roman Catholic charities shall in future be valid, by whom is the charity to be regulated hereafter, and in whose hands is the jurisdiction to be placed which is for the first time to render that legal which would otherwise be illegal and void. I hold in my hand the Bill as originally introduced by its promoters, and the Committee will bear in mind that the first clause in the Bill proceeds thus:—

“No use, trust, gift, foundation, or disposition of real or personal estate for any charitable purpose relating to or connected with the Roman Catholic religion shall, by reason of any trust, condition, or request for procuring prayers for the soul of the donor or any person, or by reason of any trust, condition, or request in conformity with the doctrine, discipline, canons, laws, and usages of the Roman Catholic Church attached thereto, be

or be deemed to be superstitious, unlawful, or void.”

I do not wish to review or repeat any portion of the discussion which took place on a former occasion with respect to that clause. I will only observe that it was felt to be so contrary to established law and to the feeling of the Committee, that my hon. and learned Friend the Attorney General, with his usual fairness and candour—at once agreed to withdraw it, and undertook to prepare another which should be a fair expression of what was his intention, and which intention was acquiesced in by a majority of the Committee, and at the same time should not be open to the serious objections which were made to the clause so framed and forming part of the Bill. Accordingly, he made the attempt, and we have the clause in the shape in which it appears on the paper, with the Amendment of which the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) has given notice. But if my hon. and learned Friend the Attorney General had not been labouring with insuperable difficulties, such a master of language as he is would not have failed so completely to express in the clause the intention which he clearly enunciated to this Committee. Sir, I undertake to show that this clause, as framed by my hon. and learned Friend is one that cannot be put into practice, and that it will be productive of most injurious effects, whether you consider it in reference to the position of the trustees, or the benefit of the charity, or the general public interest. The question which we are discussing only arises where there is a gift which is partially void by reason of being attended with some illegality. What does the Attorney General's clause propose to do? It says:—

“That no gift or disposition made or to be made for any legal charitable purpose connected with the Roman Catholic religion shall be, either as to the whole or any part, unlawful or void by reason of any purpose, request, or direction, which may be deemed in law superstitious or unlawful, being made part of or united with such gift or disposition, but the whole of the property comprised in such gift or disposition shall be applied exclusively for such legal charitable purpose.”

Let me state to the Committee what I conceive to be the insuperable practical difficulty in the way of adopting such a clause as this; and I will do so by means of an illustration. I will suppose a man to give £50,000 for charitable purposes; that £10,000 of it was to be applied to a small

charity for which that sum would be an ample endowment, and sufficient to exhaust all its purposes; and that the remaining £40,000 was to be applied to purposes which came under the head "superstitious uses." According to this clause, without the possibility of intervention on the part of any tribunal, the trustees would be obliged to apply the whole £50,000 exclusively for the legal charitable purpose; notwithstanding that the testator, who of course was the best judge, had bequeathed only £10,000 for that object. To that the trustees would be bound, without the possibility of appeal, because it had been settled by statutable authority that they were to apply the remaining £40,000 exclusively to that legal charitable purpose. Now that is an obvious and palpable difficulty, and I think it shows that the clause in its present shape cannot by any possibility be adopted. Independently of that, there are other objections on principle to this clause. These may be considered, first, as to the position of the trustees of the charity; secondly, as to the benefit of the charity; and thirdly, as regards the public interest. First, then, with respect to the position of the trustees: as I observed on a former occasion, I am most anxious to abstain from saying anything that is calculated to excite religious dissension or animosity; but as, on the one hand, we are bound to consider what is the existing law on the subject, so on the other we cannot shut our eyes to what is the existing state of facts upon which these questions arise. And bear in mind that the question only arises when you have some gift which according to law is illegal and void, as in the case of "*West v. Shuttleworth*," and some others of a similar description. We know, or those who are familiar with these cases know, as well as those who have read the Reports of the Committees of this House on the law of mortmain in the years 1844, 1851, and 1852, in what manner these charities are originally established. They know that it is a common practice for Roman Catholic gentlemen, when on their death-beds, to consider it to be a proper and right thing to enter into an arrangement with a Roman Catholic priest for making a settlement of property in order to procure masses to be said for their souls after their decease. Something in the nature of an arrangement is entered into, to which the Roman Catholic Bishop is frequently a party; and he and the

priest are usually made trustees for carrying into effect an arrangement to the making of which they had been instrumental themselves. Now, if you put into the hands of the trustees the power of deciding upon and administering such a trust, in what a painful position you put men of character when you ask this bishop and priest, first, to decide what is legal in the gift and what illegal, what is superstitious and therefore void, and then upon their own authority to depart from the will of the testator and the arrangement to which they had been parties. You thus impose upon them the doing of one of two very painful things: either departing from the arrangement and doing that which is contrary to the wishes of the testator, or doing that which would be decidedly illegal. The clause, as it stands, is entirely opposed to the principle laid down by Mr. Justice Bayley, in that judgment from which I cited a passage during the last debate on this subject. Then observe, in the next place, what will be its operation upon the charities themselves. If, as soon as a gift of this sort has been made, it should be incumbent on the trustees to make application to the Charity Commissioners or the Court of Chancery for the settlement of a proper scheme for the disposition of the property, expense might be avoided at the outset and the whole thing placed at once on a proper footing; but if you allow the matter to go on in this way—if by this first clause you sanction the trustees themselves, without the intervention of any other authority being judges of the matter, and if by the 5th Clause you give an apparent validity to usage, you will necessarily at some future time involve the trust estate itself in serious litigation, the expense of which will be enhanced by inquiry into previous usage; whereas, if you make it obligatory on the trustees in the first instance to go to the Charity Commissioners or the Court of Chancery, the charity itself will be relieved of those subsequent expenses, and will be established at once on a permanent and proper basis. I know I may be told that to go to the Charity Commissioners or the Court of Chancery is to encourage litigation and unnecessary expense; but if, immediately that a charity is established, such an application is made, as under the clause which I shall propose would be made, then no such expense need be incurred at all. Because, in the first place, an application to the Charity Commissioners may be made by an ordinary letter which any

man of common understanding who was acquainted with the facts might write. He states his case to the Commissioners, and obtains from them an order which will sanction all his subsequent proceedings, and afford him a complete indemnity. On the other hand, if there be any matter of such doubt or difficulty as would render it improper for the Commissioners to decide what ought to be done, then the intervention of the Court of Chancery would become necessary; but it is obvious that the sooner that intervention takes place, the less will be the expense and the less the animosity endangered thereby. All that you will have to ascertain is, what is the intention of the original deed or will constituting the charity; there will be no question of usage, nor any vested interests whatever. When I call the attention of the Committee to the 2nd Clause in the Bill of last year, they will see that it does not cast the estate into Chancery, but requires no more than a simple application to a Judge in chambers; and I take upon myself to say from experience that such applications can be made without the expenditure of a single guinea in counsel's fees. I was myself a trustee in a case where circumstances had arisen which rendered it difficult to carry into execution the precise directions of the testator under whose will we acted. Under these circumstances we directed our receiver to make an application to the Master of the Rolls, as one of the Judges of the Court of Chancery, with an intimation that we wished to see him in chambers. Our application was received, and assented to. We went to his Honour's room, sat round the table with him, stated the difficulty we were in, and in a short time, without the employment of counsel, and without any material expense, we obtained an order under which the charity has been regulated and administered ever since. So that, if you regard the interest of the charity itself, it is for its benefit that the matter should be settled conclusively by the proper authority as speedily as possible. This brings me to the third objection to the clause proposed by my hon. and learned Friend, the Attorney General—that is, as it concerns the public interest, which is mainly regarded in this light—that it is certainly for the public interest that, with reference to property in England and English charities, there should be no foreign jurisdiction or foreign ecclesiastics who should have any right or power or

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possibility of interference. But according to this clause, as it is now drawn, that interference is not only possible but extremely probable; and I think I can show that this is not an imaginary danger, for any one who reads the Reports of the Committee on Mortmain, and the evidence upon which those Reports are founded, will see that cases of that sort have occurred. I am unwilling to occupy the time of the Committee; but I should like to refer them for a moment to the evidence of Mr. Riddell, himself a Roman Catholic, and fully conversant with these matters. At page 42 of the Evidence before the Mortmain Committee of 1851, he points out the difficulties that had arisen in a case in which his brother was concerned, and says:—

“The district was afterwards divided. There was another bishop appointed, and that bishop in a very long correspondence took several objections to Mr. Brigham holding the living. He afterwards referred the question to the authorities at Rome, the Propaganda. The authorities at Rome took upon themselves to adjudicate upon the question of a right of nomination. My brother acted upon my advice, and denied the authority of the Roman Courts to adjudicate upon a temporal matter in this country. Mr. Brigham was afterwards served by that bishop with a letter containing an extract from a decree of the Court of Propaganda in Rome, and he proceeded upon that decree to remove the faculties and to forbid him to say mass within the district, and visited him with all the spiritual censures in his power.”

Subsequently, at page 52 of the same Report, and on the same subject, he is asked:—

“Do you recollect any other case in which there has been a reference to the Propaganda at Rome, with respect to a temporal right in this country?”

And he answers:—

“There was a case of which I can only speak from report, the case of Sir Charles Tempest. He built a Roman Catholic Church at Skipton, in Yorkshire, and he nominated, I believe, the same person to whom I have alluded, Mr. Boyle. The bishop in that case claimed the nomination of the priest. Sir Charles Tempest being an influential man among Roman Catholics, appealed to Rome, and the controversy ended by his nominee being placed in possession.”

I ask, then, if that is not merely the possible but almost the inevitable result of leaving such trustees in the position of having to decide the matter for themselves, and not compelling them to do what all other trustees are obliged to do—namely, to apply to an English tribunal to settle the mode in which a charity which I assume is accompanied by something that

makes it illegal is to be rendered legal and afterwards conducted and carried on. Is there anything unreasonable in that? It may be said that that is what is intended. If so, then I ask upon what reasonable grounds the suggestion which has been made by myself on previous occasions can be objected to? That suggestion was made, I believe, with the concurrence of almost all of those who, on this side of the House, have objected to particular portions of this Bill. Certainly it was made with the concurrence of my hon. Friends the Members for North Warwickshire; and it would, I think, be a satisfactory settlement of this question. That is to say, that instead of the 1st Clause, as it stands in the printed paper, or as it has been proposed by my hon. and learned Friend the Attorney General, the 2nd Clause of the Bill of last year, which was brought in by the right hon. Baronet the Secretary of State for the Home Department, and which was considered and prepared with his usual care and accuracy, shall be adopted. Now, what does that clause do? In the first place, it does not in the least degree impugn the decision to which I have adverted, and which gives such peculiar and exceptional advantages to Roman Catholic charities, by releasing them from the obligations imposed upon all other charities, that the founder of a charity should have survived the gift twelve months; neither does it impugn the second advantage of making gifts which are illegal and absolutely void, permanently legal and valid. The clause to which I refer says:—

“No existing or future gift or disposition of real or personal estate upon any lawful charitable trust for the exclusive benefit of persons professing the Roman Catholic religion shall be invalidated by reason only that the same estate has been or shall be also subjected to any trust or provision deemed to be superstitious, or otherwise prohibited by the laws affecting persons professing the same religion, but in every such case it shall be lawful for the High Court of Chancery, or any Judge thereof sitting at chambers, in exercise of the jurisdiction created by the Charitable Trusts Act, 1853, upon the application of Her Majesty's Attorney General, or of any person authorized for this purpose by the certificate of the Board of Charity Commissioners for England and Wales, or for the said Board upon the application of the person or persons acting in the administration of such real or personal estate, or of a majority of such persons, to apportion the same estate, or the annual income or benefit thereof, so that a proportion thereof, to be fixed by such Court or Judge, or by the said Board, as the case may require, may be exclusively subject to the lawful charitable trusts declared by the donor or settlor, and that the residue thereof may become subject to such lawful

charitable trusts for the benefit of persons professing the Roman Catholic religion, to take effect in lieu of such superstitious or prohibited trusts as the said Court or Judge, or the said Board, may consider under the circumstances to be most just; and also that it shall be lawful for the Court or Judge, or Board, making any such apportionment by the same or any other order or orders to establish any scheme for giving effect thereto, and to appoint trustees for the administration of the several portions of such real and personal estate, according to the trusts established of the same proportions respectively, and to vest the estate to be so apportioned in the trustees so to be appointed.”

Now, Sir, I say that if there be no intention on the part of those who promote this Bill either to make the trustees themselves judges of the matter, or to call in the interference of any foreign ecclesiastics or foreign jurisdiction; if they are really and sincerely desirous to place these Roman Catholic Charities under the same jurisdiction as that to which all other charities are subject; if that be their real and sincere desire, they can make no reasonable objection to such a clause as that. The only one I have yet heard is, that there is some reference made in it to superstitious uses and trusts; and so there is also in the clause proposed by my hon. and learned Friend the Attorney General; so there is, too, in the clause, originally proposed; and so there must be in every or any clause that affects to give Roman Catholic charities relief from the existing state of the law. That law states certain things to be illegal because they are superstitious. The very object of the Bill is to relieve them from that state of the law; and how can you relieve them from the existing rule of law without alluding to that state of things, or to that rule of law? If the words are objected to, and they like to insert others to the same effect; or if they would like to allude to the decision in the case of “*West v. Shuttleworth*,” or any other analogous one, I shall not object. But the question is, whether Roman Catholic Charities are to be placed under the same jurisdiction as other charities, or left in the hands of trustees who possibly or probably, as I have shown from evidence, may refer to a foreign authority instead of to an English tribunal to decide what shall be the future administration of charitable property situated in the Kingdom of England. The question now really at issue has been brought into a very narrow compass; for the proposal made to the Committee for adding the clause of my hon. Friend the Member for North Warwickshire (Mr. Newdegate) to

the Bill will, I understand, meet with no objection. Then, I say, that the 1st Clause as it originally stood in the Bill should be struck out, and that, in lieu of the amended clause suggested by my hon. and learned Friend the Attorney General, the 2nd Clause in the Bill of last year of the right hon. Baronet the Secretary for the Home Department should be adopted. When these two things are done, I for my part shall be willing to withdraw any further opposition to this 5th Clause; because I think that the sanctioning of usage is removed from all danger when the usage is to be construed by competent and legal authority. But if you leave the matter in the hands of trustees, or allow it to be referred to a foreign jurisdiction, then it would be highly dangerous for the 5th Clause to pass. Unless, therefore, this is done, I must continue my opposition to the clause; but as I understand that there is no objection to the clause proposed by my hon. Friend the Member for North Warwickshire, and as the first Clause in the original Bill was abandoned after full discussion, the real question now at issue is, which of the two clauses, the second in the Bill of last year, or that proposed by my hon. and learned Friend the Attorney General, is best calculated to carry into effect the object which the Committee has in view. If the clause in the Bill of last year be adopted, the opposition, so far as I am concerned, would fall to the ground and the whole matter will be settled. I ask the Committee to contrast the two clauses, and to say whether the clause proposed by my hon. and learned Friend is not open to the practical objection to which I have referred; that where a gift of £50,000 is made, £10,000 of which is to go to a small charity for which it is an ample endowment, and the remaining £40,000 to say masses for the soul of the donor,—according to the clause of my hon. and learned Friend, the whole £50,000 must inevitably, without any discretion on the part of the trustees, the Board of Charity Commissioners, or the Court of Chancery, be applied to that for which £10,000 is amply sufficient. That, in my view, is an insuperable and practical difficulty in the way of the amended clause proposed by my hon. and learned Friend. I say also, that whether you consider the position of the trustees, or the benefit of these charities themselves, or the public interest which is involved in the establishment of proper English tribunals, to the exclusion of all foreign or ecclesiastical

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authorities with reference to the decision of questions relating to property in this country; when you look at that clause in connection with any one or all of these points, you must come to the conclusion that the 2nd Clause in the Bill of last year perfectly meets your object, whilst the clause of my hon. and learned Friend the Attorney General would utterly fail to carry it into effect. Under the existing circumstances I must persist in my opposition to the 5th Clause; but if the clause proposed by my hon. Friend the Member for North Warwickshire is added to the Bill, and the 2nd Clause of the Bill of last year is substituted for the 5th Clause of the Bill of this year, I shall withdraw my opposition. Of course there will be some formal objection to postponing the 5th Clause until after the Amendment I have suggested has been made, but perhaps we might reject it for the time upon the understanding that it shall be again proposed after the 1st Clause has been agreed upon and settled.

SIR GEORGE LEWIS suggested that the Clause 5 should be negatived *pro forma*.

Clause *negatived*.

SIR GEORGE BOWYER moved that the 1st clause as it originally stood in the Bill should be adopted, with the addition of the Amendment proposed by the right hon. Member for Kilmarnock (Mr. Bouverie). He thought that so amended the clause would not be open to the objections urged against the Bill by the hon. and learned Gentleman. The Amendment of the right hon. Member for Kilmarnock was, "that no such last mentioned trust, condition, or request, shall in any other respect be rendered valid or legal, or invalid or illegal, or be otherwise affected by this Act." The hon. and learned Gentleman (Mr. Selwyn) was in error in supposing that the effect of the clause would be to compel a reference to foreign tribunals. The clause would not render the unlawful usages of the Roman Catholic Church the test of the validity of any charity, but it merely provided that whatever those usages might be they would not invalidate any charity. The clause would remove from the operation of the law those peculiar circumstances connected with the Roman Catholic Church which now rendered any charity invalid, but it did not render superstitious usages valid.

MR. HENLEY asked why they should not have proceeded with the clauses which

had been given notice of. The Attorney General had given notice of a clause as a substitute for the 1st Clause, which the Committee had rejected; but now they were asked to agree to the original clause, with an Amendment proposed by the right hon. Member for Kilmarnock.

SIR GEORGE LEWIS thought the course proposed was regular. The hon. Baronet who had charge of the Bill was moving the re-instatement of a clause.

MR. HENLEY said, that the Amendment of the right hon. Gentleman the Member for Kilmarnock was one to the clause proposed by the Attorney General.

MR. ADDERLEY contended that the clause given notice of by the Attorney General ought to have been put first; but looking at the clause now proposed by the hon. and learned Member for Dundalk, he contended that it would clearly have the effect of making valid superstitious uses. If the object of the hon. Baronet was to render superstitious uses valid, then the clause which he had moved would completely effect his object.

SIR GEORGE BOWYER said, that this was not the case. The clause did not render the superstitious use valid; it merely said that the charity should not be void by reason of its being given to a superstitious use. Nothing connected with the Roman Catholic Church which was not at present legal would be made legal by this clause; but its provisions would prevent a charity from being invalid, because it might be accompanied with a superstitious use—possibly some small and trifling matter.

MR. ADDERLEY said, it was no matter whether the superstitious use was small or large. That was not the question. The objection to the clause was that if it passed, a superstitious use would be rendered valid if it was connected with a bequest for a legal charity. If that would not be the effect of the clause, why had the Attorney General thought it necessary to propose a clause to supersede Clause 1, as proposed by the hon. Baronet?

SIR GEORGE BOWYER repeated that the effect of the clause would not be to render valid superstitious uses in connection with any charity.

MR. MALINS said, that taking the clause in connection with the proviso of the right hon. Gentleman the Member for Kilmarnock, he did not think it would legalize a superstitious use, as his right hon. Friend (Mr. Adderley) supposed. It would, however, leave the law still in an unsatisfactory

state; and would not meet the objections of his hon. and learned Friend the Member for the University of Cambridge (Mr. Selwyn), which had very considerable force. Let them take the case suggested by his hon. and learned Friend, that of a man leaving £50,000, of which £40,000 were for superstitious, and £10,000 for legal uses. What was to be done with the £40,000? The clause and proviso would not afford a satisfactory solution of the question. They were imperfect, and did not meet the case of a combination of valid and invalid trusts. The Committee ought to see that the Bill met every case. In its present shape it did not. The Roman Catholic would have a privilege not enjoyed by Protestant—that of separating a valid from an invalid bequest. Ought there not, then, to be some provision for disposing of the invalid bequest? It might be answered, "Give it to the valid." But the valid use might not be sufficient to exhaust the whole sum. What would his hon. and learned Friend (Sir George Bowyer) propose in that case? [Sir GEORGE BOWYER: Extend the scheme.] But there was nothing about extending the scheme in the present Bill, even if such an arrangement would be satisfactory. He could see no objection to the clause of last year, which would bring all disputes under the notice of the Charity Commissioners and the Court of Chancery.

SIR GEORGE BOWYER: The clause merely provided that a valid charity should not become invalid in consequence of being accompanied by an invalid use. Apportionment was unnecessary; the whole sum would go to the legal purposes of the charity. If a man left £10,000 for a charity, and in connection with it £20,000 for masses for his soul, the £10,000 left for the charity would be valid; but the £20,000 left for masses would be invalid and go to the next of kin. If more money were left for a charity than was necessary, the sum would be dealt with by the Charity Commissioners just in the same way as was now done in the case of Protestant churches and schools. The clause was one which would give satisfaction to the entire Roman Catholic body; and that was a circumstance which ought to have some weight with the Committee.

MR. HENLEY could not read the clause in any other way than one that would make a superstitious use lawful. There was in large and general terms a statement that a bequest should not be rendered unlawful by

reason of any gift for superstitious uses. It was said that that was cured by the proviso. He could not think so. The proviso only went the length of saying that the bequest should not, in any other respect than that defined by the clause, be deemed illegal. But if the clause made a superstitious use legal, the proviso did not undo that:—it seemed to him to be mere surplusage, and to have no effect whatever. His opinion was, that the clause and proviso would make “confusion worse confounded.”

MR. MONSELL thought a clause might be drawn up, composed of the first part of the Attorney General's clause, and the proposal made by the hon. and learned Member for the University of Cambridge, so that the object the latter had in view might be carried out.

SIR GEORGE LEWIS hoped they would be able to come to a satisfactory settlement of this question. He did not think that the clause moved by the hon. and learned Baronet (Sir George Bowyer) would, as some Gentlemen seemed to think, legalize superstitious uses; it would only provide that a gift for a legal object should not be tainted by its association with an illegal object. But it appeared to him that the defect of the clause was, that it did not provide for the disposal of the funds left for an invalid trust. The Committee might take one of three courses. They might adopt the clause proposed by the hon. and learned Baronet (Sir George Bowyer); or that proposed by the Attorney-General; or the clause in the Bill of last year, as proposed by the hon. and learned Member for the University of Cambridge. Of these three alterations he was prepared to accept the clause of last year, as suggested by the hon. and learned Member (Mr. Selwyn), thinking that the reference to the Charity Commissioners was the best suggestion that had been made; and if no other Member proposed its adoption he would be prepared to do so himself.

SIR GEORGE BOWYER would, if he was obliged to give up his own clause, prefer that of the Attorney General to the second clause of the Bill of last year.

Clause *negatived*.

SIR GEORGE LEWIS then proposed to insert a clause similar to the second clause of the Bill of last year, which would then be the first clause of the present Bill.

Clause *agreed to*.

Clause 5, amended to conform to the 1st Clause, *agreed to*.

Mr. Henley

MR. NEWDEGATE proposed the following clause:—

“Provided always, and be it further enacted, that nothing in this Act contained shall be taken to repeal or in any way alter any provisions of an Act passed in the 10th year of his late Majesty King George the Fourth, intituled ‘An Act for the Relief of his Majesty's Roman Catholic Subjects, respecting the Suppression or Prohibition of the Religious Orders or Societies of the Church of Rome bound by Monastic or Religious Vows.’”

The hon. Member said he thought this clause was essential, and quite consistent with the general legislation of this country. Its principle seemed to be conceded by the Government of France also, as appeared from a statement of the *Procureur General*. Indeed, he knew no country in Europe in which those religious orders were allowed to establish themselves and to aggregate enormous properties without some legal provisions for their regulation, and to guard against foreign interference. He was glad to learn that the clause would not be objected to.

Clause *agreed to*; Bill passed through Committee.

House resumed; Bill *reported*; as amended, to be considered on *Thurs day*, and to be *printed* [Bill 312].

INDUSTRIAL SCHOOLS ACT (1857)

AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Powers of the Committee of Council on Education under 20 and 21 *Vict. c. 48*, transferred to the Secretary of State).

MR. ADDERLEY said, he should like to hear from the Government the reason for the provision in the Bill which would transfer the superintendence of these industrial schools from the Education Department to the Home Office. Why was this, and why had the Bill been brought in at so late a period of the Session? The only reason that he could see as possible to be alleged for the transfer was that the reformatory schools were under the Home Office; but the distinction between the two classes of schools was a wide one. Those industrial schools were in reality the ragged schools of the kingdom; but a severe blow would be struck at the system if they were put on the same footing as the reformatory schools. He objected to the

poor children who attended these schools being classified with children of the reformatory schools. The children of the industrial schools had committed no crime greater than vagrancy, and he protested against their being stigmatized as attending a penal institution. He thought a great blow would be struck at the moral usefulness of these schools, if poverty was confounded with crime. He wished to know, also, why the control over national education should be thus divided and scattered? Measures like this complicated the already complicated machinery of our educational establishments, and would increase the number of Inspectors, who were already much too numerous. He had seen as many as three Inspectors arrive in a small village to inspect as many schools; and he did not wish to see the advance of such a system as that.

SIR GEORGE LEWIS said, the object of the Bill was very simple. It originated in a proposal sent from the Privy Council Office to the Home Office, to transfer the schools to the latter Department, on the ground that they were schools having a penal character. The children were admitted after being convicted under the Vagrant Act, and when inmates of the school they were subjected to rules of a very stringent character, which took them out of the category of common schools. It was, therefore, thought advisable to transfer them to the Department of the Home Office, but there was no intention to add to the Inspectors or to the expense of superintendence in any way.

MR. RIDLEY said, he had thought the purpose of the original Act was merely to provide for vagrant children who had not committed any crime.

SIR STAFFORD NORTHCOTE said, that the object of the Legislature in sanctioning the industrial schools was to prevent children from getting into the class who were sent to reformatories. It was to be regretted the magistrates did not make use of the industrial schools to the extent that had been contemplated; and if the transfer to the Home Office took place, he trusted the magistrates would be instructed to send children to them. He had given notice of a clause which had for its object to secure payments from parents for the instruction given to their children in those schools. There was a difficulty in assimilating the education given in the industrial schools to that given under the education system of the Privy Council,

but he hoped a sound moral education would still be given to these children under the superintendence of the Home Office. He (Sir Stafford Northcote) did not like the use of the word "penal" in reference to either those schools or the reformatories.

MR. LOWE said, he did not wish to quarrel about words, but he thought no one could read the words of the 5th Clause of the Act of 1857, and not see that these schools must be regarded as penal schools. The children were actually under restraint, and to all intents in prison, and he could see no harm therefore in looking the thing straight in the face and calling the schools penal schools. They were not schools which the Privy Council Committee could well deal with, and it was very advisable that they should be brought under the superintendence of the Home Office, especially when it was considered that it was through the magistrates that the schools were supplied with children.

MR. MONSELL said, that the real question was whether these schools had more relation to crime or to education. He thought that the words "taken into custody on a charge of vagrancy under the Vagrant Act," intimated that the children so taken into custody had not committed any other crime than vagrancy, and, therefore, that their only crime was poverty. He thought it better that these schools should be placed under the Department which had the superintendence of education rather than under the Home Office.

MR. HENLEY said, this was a very simple question. The Government themselves were of opinion that this class of business could be better performed by one particular Department than another. These schools themselves were originally an extension of the reformatories. The children were kept there in restraint, and he certainly thought they would be better under the management of the Home Office than of the Privy Council.

MR. BLACK thought there was a misapprehension regarding the character of industrial schools,—at all events as they existed in Scotland,—and he should regret to think that anything like crime could be attached to them. The children got a good and solid education to fit them for being tradesmen, and they were taught industrial habits. Children were sent to the reformatory for some criminal act, and on their arrival there was a brand upon them; but the children in the industrial schools were preserved from a position that would

cause their committal to a reformatory. He had never thought of regarding the children as criminals.

LORD EDWARD HOWARD thought that there could not be too broad a distinction drawn between poverty and crime, and it appeared to him that the two had been rather confounded in the present discussion.

MR. ADDERLEY said, that the commitment by the magistrate was the process, but education was the essence of the Act.

SIR GEORGE LEWIS said, the object of the Bill was to give to the Home Office the same powers as were now possessed by the Privy Council. The children sent to the industrial schools must be charged with vagrancy. That charge did not merely mean that the child was a wanderer, but that he had subjected himself to a criminal charge under the Vagrant Act. The Bill was intended to create a class of schools subsidiary to the reformatory schools for the reception of children who had brought themselves within the provisions of the Vagrant Act. Should the House pass the Bill, that was the spirit in which he would carry it into effect.

Clause agreed to.

House resumed. Bill reported, as amended, to be considered *To-morrow*.

EUROPEAN FORCES (INDIA) BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. DODSON said, that the House had had the greatest difficulty in obtaining the information necessary to form their opinion on this important subject. He thought that if the opinions of the Members of the Indian Council to be found in the blue-book, now so reluctantly laid upon the table of the House, could have been uttered by those Members of the House, this measure would never have reached a third reading. It was a remarkable circumstance that until lately almost everybody was in favour of a local army in India. In spite of professional bias Lord Clyde and many other distinguished officers were at one time strongly in favour of a local army; he was aware that they had since changed their opinions, but the fact that they ever entertained different opinions from those they now held, was in his mind a strong argument in favour of a

Mr. Black

local army. The Secretary for India had also changed his opinion since last year, but he did not think that the right hon. Gentleman had clearly explained the reason why. Was it to be concluded that because the local army had once mutinied, that therefore they must necessarily mutiny again? The local army mutinied, not because it was a local army, but because the conditions on which they entered the service were not continued, and any other army would be as likely to do the same. The House had been told that authorities were balanced on the question whether there should be a local or Imperial army in India, and under such circumstances it was desirable to look to the authority of men free from professional bias, and having, in consequence of their position, an opportunity of becoming acquainted both with Indian and Imperial questions. In favour of a local army, then, there was the opinion of men who had been Governors-General of India—such as Lord Dalhousie, Lord Canning, and Lord Ellenborough. The great argument alleged for the change was the recent mutiny; but that took place last year, and the Secretary for India was not then converted to his present opinion. Had a proposal been made to turn over the Queen's army to the East India Company without any fresh bounty, would not that have been likely to create a mutiny? If no better reason were assigned the public would be disposed to impute the change to a desire to increase the patronage of the Horse Guards. Without imputing corrupt motives to the Horse Guards, he nevertheless thought that the patronage of that establishment was great enough already—it was stated in the Report of the Committee on Military Organization to be worth upwards of a million at the regulation price of the commissions only—and that it was not expedient to add to it the patronage of the Indian army. Even if the Indian army were to be amalgamated with the Royal army, he conceived that the present was an ill-chosen moment for that object. The effect of the proposed amalgamation must necessarily be to increase the Indian expenditure, for the cost of transporting men from one country to the other would be very considerable. Yet neither the finances of India nor of this country were in a position to bear any such increase of cost. In *The Times* of that morning there was a statement on the subject of Indian finance which furnished a strong reason against the creation of any

additional burden. The Calcutta correspondent of *The Times*, enclosing the annual financial statement, said it was probable that the real deficit in the current year, including various charges, would not fall far short of £8,000,000. The right hon. Gentleman the Secretary for India said he was not bound to ask the advice of the Indian Council; but was he justified in flying in the face of the advice offered by that body upon such a subject? It was said that this was an Imperial and not a purely Indian question. No doubt it was, but it was also a matter of Imperial interest that India should be safe and prosperous instead of being a mere nursery for the soldiers of the European army, as it was in danger of becoming under the new system. In the event of any future European struggle there would be a constant temptation to withdraw European troops from India, and unless they maintained a purely local force there it would be difficult to prevent the English Government from treating India as a sort of Algeria, and as a mere training ground for soldiers. Now, we wanted India, not for a military colony, but as a country which hereafter should make us independent of the United States for the supply of cotton, of China for tea, and of slave countries for the supply of sugar. He denied that there was any ground for the allegations made against the local troops. If they were less smart on parade than the Queen's troops they did not fight less well; nor did it necessarily follow that because a local army was maintained therefore its officers must be employed in civil duties. He deprecated amalgamation, because it would destroy that which could never be replaced, and would entirely destroy the individuality of a force which had rendered such good service in India.

MR. VANSITTART said, that as objections had been taken in some quarters that on a former occasion he ignored the services rendered by the local European regiments at the siege of Delhi, and stated that India was reconquered by the Line, or Royal troops, he hoped the House would allow him to offer a few words in explanation. With regard to the first of these allegations he had distinctly declined, in the speech referred to, to follow the hon. Members for Perth, Pontefract, and Aberdeen, in drawing a contrast between the local and Royal officers, as such a contrast would be invidious. Adverting to the second allegation, he must confess that he still re-

tained the opinion that to the Line, or Royal regiments, we were mainly indebted for the reconquest of India. It was not surprising that this should have been the case, taking into consideration the immense flood of Royal troops which were poured into India, and the small proportion of local Europeans who remained available, as was fully explained in the admirable speech delivered by his hon. and gallant Friend the Member for Ludlow (Colonel Herbert) on the same evening. With the permission of the House he would read a brief extract from the original despatch of Major General Wilson, commanding the Delhi Field Force, to Captain Norman, the Assistant Adjutant General of the Army, dated September the 16th, 1857, giving the following details connected with the assault of that city:—

"The assault was delivered on four points. The first column, under Brigadier General J. Nicholson, consisting of Her Majesty's 75th Regiment (300 men), 1st European Bengal Fusiliers (200 men), and the 2nd Punjab Infantry (450 men), covered by the 1st Battalion of Her Majesty's 60th Rifles. The 2nd column, under Brigadier Jones (Her Majesty's 60th Regiment), consisting of Her Majesty's 8th Regiment (250 men), the 2nd European Bengal Fusiliers (250 men), and the 4th Regiment of Sikhs (350 men), similarly covered by the 60th Rifles. The third column, under Colonel Campbell, of Her Majesty's 52nd Light Infantry, consisting of his own Regiment (200 men), the Kumaon Battalion (250 men), and the 1st Punjab Infantry (500 men). The reserve, under Brigadier Longfield, Her Majesty's 8th Regiment, composed of Her Majesty's 61st Regiment (250 men), 4th Punjab Rifles (450 men), the Beelooch Battalion (300 men), and the Sheend Rajah's Auxiliaries (300 men), and 200 of Her Majesty's Rifles."

With reference to this extract, to the fact of Lucknow being held by Her Majesty's 32nd Regiment, and to the equally important fact that, with the exception of that gallant regiment, the Madras Fusiliers, General Havelock's force of 1,800 men when he quitted Allahabad on the 7th of July, 1857, consisted of Her Majesty's 64th, 84th, 78th Highlanders, and Maude's Royal Artillery, he put it to the House whether he was not justified in making the observations to which objection had been taken. He would merely add that if he required further evidence of the necessity for the amalgamation of our two European forces, he might find it in the spirit of antagonism evinced in the criticism to which his allusion to the services of the Royal army had been subjected.

SIR HENRY WILLOUGHBY said, he would not follow the hon. Gentleman in his

comparison between the two forces; for he believed both had done their duty to the utmost, and that no body of men ever behaved with more bravery or achieved greater success. But as the local Europeans were nearer the scene of action, he thought there need be no hesitation in believing the testimony of Sir John Lawrence and other eminent officers that the local Europeans had taken a very distinguished part indeed in the siege of Delhi. He had listened to the able speech of the hon. Member for Sussex (Mr. Dodson) with the greater interest because that hon. Gentleman had taken no previous part in these discussions, and his opinion might, therefore, be regarded as unbiassed. For himself, he could not help thinking that this Bill, though a short one, would have most important consequences. It originally consisted of a preamble which stated it was not expedient there should be a local corps for India, and of one enacting clause which stopped all further recruiting for that force. But to this the House had added, on the Motion of the right hon. Member for Oxfordshire (Mr. Henley), a proviso that the House would uphold the rights and privileges of the officers of the local Indian army, and guaranteed to them their pay, pensions, and allowances, together with their advantages of promotion. Now, that proviso brought up a question which lay at the root of the whole matter, and which he hoped some Member of the Government would answer to-night—How was that amalgamation to be carried into effect? Those who had read the five blue-books and the three white ones would see that the ablest men in India—even those who were anxious for the amalgamation—were puzzled to know how it was to be done. He thought, looking at the position of the two armies, there was but one way, and that was by dipping into the public purse. In one army the promotion of the officers was by seniority, and they had a provident fund amounting to £4,000,000 sterling; in the other case, the promotion was mainly by purchase. It was impossible to carry out the amalgamation, except by inducing a large number of Indian officers to retire on their full pay and allowances; and if they did that, what would the effect be on the Indian finances?—and those finances he considered already to be in a disquieting and dangerous position. He objected to the Bill that it took away from the Secretary of State in Council certain powers; and he thought it a great blot on these

proceedings that the Indian Council had not been allowed to express their opinion on this measure before the second reading of the Bill. In the first speech of the right hon. Gentleman the Secretary of State for India, he had made use of language which had caused considerable pain to every Member of that Council. He said it was natural that the Council should not be willing to part with their power; from which the inference had been drawn that the right hon. Gentleman had charged his Council with being unwilling to lose their patronage. He should not think his right hon. Friend meant anything of the kind—[Sir CHARLES WOOD: Hear, hear!]—but such was the interpretation put on it, and his right hon. Friend would say whether that was his intention or not. Reverting to the Bill before the House—it was said that this was an Imperial question. He thought, however, they had better not push that argument too far, for it might be said in India, “If this is an Imperial question, why should the expense of it come out of the Indian taxes? If it is for the interest of the Empire that 80,000 English soldiers shall be maintained in India, we will be very glad if the Empire will pay for them.” This argument was taken in India already; and he believed it would be very dangerous to create in India an opinion that the interests of England required that we should maintain there a larger force than the country itself required. Let the House bear in mind that the military Estimates had increased within the last four years from £13,000,000 to £20,000,000, and that the revised Estimates now amounted to no less than £16,000,000. The House was not told anything of the state of Indian finance, but documents before them showed that within the last four years there had been £39,000,000 of deficit; the Indian debt had been increased from £59,000,000 to £97,000,000; and the home charges from £2,500,000 to £5,500,000; and at this moment they were about to resort to a novel and dangerous system of taxation. They all knew with what difficulty this country bore the income tax, and they might, therefore, guess how in a semi-civilized country like India every kind of fraud and chicanery would be resorted to in order to defeat it. It was notorious that when it was attempted to impose a house tax on India, the people left the towns and lived under the trees to defeat it; and so it would be with the income tax. The local army would not be got rid of by this Bill,

Sir Henry Willoughby

for there would still be left 17,000 men for whom provision must be made, and to whom their rights had been guaranteed. Then what was to be done with the Provident Fund? He was astonished that the right hon. Gentleman had not consulted his Council, because he was informed that a Committee was to be appointed. The Indian army looked to the Secretary of State in Council, and not to any Committee. The question of expense was also a most important consideration. The right hon. Gentleman said that the expense of the amalgamation would not exceed £200,000. He (Sir Henry Willoughby) had little doubt in his own mind that it would be more than £2,000,000. It was calculated that every soldier cost £100 before he was settled down in India from this country; and with the constant transport of troops that would be going on under this system the House might imagine what the expense would be. But another evil was that in abolishing the local force they removed the intermediate link between the Queen's troops and the Native regiments. Hitherto the officers of the Native regiments felt on a friendly footing with the officers of the local Europeans. He feared that would not be the case between them and the officers of the Line. What did the right hon. Gentleman mean to do with the 200,000 Native troops? Did he mean to make police of them? Had not the very best authorities said that the concurrent authority of the Commander-in-Chief and the Governor General was an impossibility in India? It was a double Government of the very worst kind—a species of Government, indeed, which in this country it would be impossible to conceive, and entertaining such an idea even for a moment would be handing over India to all those evils which it had taken the House of Commons and the best men of former times years of patient industry and trouble to counteract and destroy. Then the Governor General, placed as he was in that vast empire, had nobody to look to for support so much as the local Queen's army and the Native army—they had been the instruments of his power, and they had upheld the empire through every danger, and he thought that when Lord Canning told them in one of his despatches that not only among all the military classes, but among all other classes there was a great impatience of remaining in India at all—that no one wanted to stop—that they found it too hot—surely it should be the policy of this

country to do all they could to increase inducements to men to remain in that country, and take an interest in the performance of their duties. It was a matter of astonishment that Lord Clyde should have published a letter stating that the officers of the Indian army were dissatisfied with their position, without having that which he did not profess to have—unquestionable information on the point. He regretted the disposition that had been shown to underrate the value of the local army, by whom our empire in the East had been upheld and extended. He could not understand upon what grounds Lord Clyde had asserted that Indian officers were unfit for superior command. He (Sir Henry Willoughby) had read the history of India in a different way, and could point to many officers in India competent to the highest command. He might remind Lord Clyde that the subjugation of the Wuzurees, which he had himself attempted unsuccessfully, had since been accomplished by General Chamberlain. He thought that the debates which had taken place on this Bill had done some good, by showing that there was a body of men in that House who did attach importance to the necessity of doing justice to the military men of India. And he could not help thinking that it would compel his right hon. Friend to act in future with considerable caution in the matter. The House of Commons had no interest but to uphold British power in India, and that, he thought, would best be effected by allowing one-third of the Queen's army to be permanently stationed there, and arrangements should be entered into for making the country the scene, as it were, of the whole of their career, so that they might become acquainted with the habits of the country and the character of the Natives, as no movable regiments of the Line could do.

SIR EDWARD COLEBROOKE said, he wished to take this, the last opportunity he should have, of expressing his entire disapproval of the plan proposed by the Government, and of placing on record the strong feeling he entertained of the danger that must follow to the public service if that plan were carried out. As to the guarantees of position and promotion which were promised to the officers of the local army, he could not conceive any regulation by which they could be properly fulfilled which would not create a distinction between the European and Native forces. If regimental appointments in the

present local force were to be determined by selection, what would become of the existing system of promotion in the army? And even supposing that regimental promotion was secured to the local offices, what would be their position with regard to other commands? If they aspired to anything beyond their regiments, they would probably encounter that disposition of which they had already seen signs, to regard Sepoy officers as unfit for the command of British troops. However objectionable the system of promotion by seniority might be, it had this advantage, that it gave a guarantee and security to those who devoted themselves to the service that they would not be liable to any capricious abuse of power on the part of any Governor General or Commander-in-Chief. As to the question into whose hands the patronage of the army should be placed if the system of seniority were altered, he would certainly rather see it confided to the Governor General than to any other person; but it was impossible that such a person could exercise that control which was essential to ensure impartiality over the appointments, or prevent those abuses which must necessarily follow if the scheme of the Government was adopted. There was no ground for assuming that the opinion of Lord Cornwallis was favourable to the scheme of amalgamation. The authority of the Duke of Wellington had also been quoted with just as little reason, for the Duke declared in emphatic language that he saw such difficulty in the proper officering of the Native army if the amalgamation were attempted that the scheme would be attended with great danger. It had been argued that the establishment of a purely local force exposed us to the danger of a combination to throw off its allegiance to this country. But was there any inherent probability of danger of mutiny on the part of a local European force? Was it possible that the men could lose that love of their own country that was innate to every Englishman? The men of the local army were enlisted, as in the Line, for limited periods of ten or twelve years. They were usually induced to stay longer by the temptations of bounty; but in consequence of the climate and other circumstances the force consisted for the most part of young men. This was attended with advantages in point both of economy and health, for they were generally a more healthy force than troops of the Line, not

because they became, properly speaking, acclimatized, but because they accustomed themselves to the climate of India. The noble Lord at the head of the Government spoke of these troops as a Prætorian army—meaning, if it meant anything, that they were ready to sell themselves to the highest bidder. He added that they acquired local ties, and were thus capable of dangerous combination. But these regiments were really in a state of constant flux, and the noble Viscount was well answered by the noble Lord (Lord John Russell) who followed him in debate, and who said that home ties were so strong among the men of the local army, that the difficulty was to prevent the growth of home sickness. How inconsistent were these two arguments? The House had seen an instance of this home sickness in the desire manifested by these men to get home, and in demands which, he would admit, were, in some cases, not made in a proper manner, although in other cases they were urged respectfully enough. It was alleged that the old soldiers took the lead in the mutiny, and that the non-commissioned officers gave no information of their plans. The papers, however, approved both these charges. No doubt, there was commotion among particular regiments at particular stations, but anything like a general combination was contradicted by the evidence contained in the Papers laid before the House. Invidious comparisons had been made between the conduct of the local European force, and that of the soldiers of the Line; and it had been said that when the Queen's troops had a complaint to urge they placed confidence in their officers. Well, the local European army also placed confidence in its officers, and likewise in the declaration of the Prime Minister, in favour of their claim. The combination of these men had been often referred to; but was it a combination for unlawful ends? He rested his case on that point—on the statement of their Commander-in-Chief. Lord Clyde did not ascribe the danger to the fact that the troops were local troops, but to their being soldiers and Englishmen, whose feelings it was perilous to tamper with. The hon. and gallant Member for Ludlow (Colonel Herbert) had accused the men of seeking to combine with the Sikhs; but there was nothing in the whole correspondence to support that charge. An isolated letter had, indeed, been found, which was contradicted in every essential particular, and which

Sir Edward Colebrooke

brought charges not merely against the local force, but against the Royal troops also. Such accusations ought not, therefore, to have been made in that House. They were keenly felt by the service, and were completely disproved by the Papers which had been produced. Certain regiments had, no doubt, been guilty of gross misconduct, and if the Government had proposed to blot out those regiments nobody could have complained; but a whole army ought not to be condemned for the disaffection of a part. He was surprised that when the ground had been taken away from the advocates of this Bill they should still continue to support it. He warned the House against the danger of hasty legislation on this subject, and appealed to them, if they valued the efficiency of the public service and the security of their Empire, not to give their assent to this measure.

SIR JAMES ELPHINSTONE moved that the Bill be read a third time that day three months. He was in hopes that the right hon. Gentleman the Secretary of State for India would have come forward to state the reasons why he differed from the opinions entertained by his Council. Those reasons should have been before the House at the same time that the objections of the Indian Council to the present scheme of the Government were laid upon the table. During the whole of the discussions which had taken place on this subject they had met with every kind of obstruction, and papers had been kept back which ought properly to have been in the hands of Members on the first occasion when the question was brought forward. He wished now to advert to the financial portion of the question, which had been very little touched upon in the previous debates. He asked the Secretary for India why they were keeping at the present time 80,000 men in India—unless it was the finances of the country which obliged them to do it? Disarmaments had taken place in different parts of India, and the rebellion had entirely died out. The country was now in that condition that they might gradually withdraw the troops from India, and by the volunteering system have established a local force of acclimatized men for the protection of India and for suppressing any disturbance that might arise. The Government had sent out a gentleman to India to endeavour to arrange its finances, and his first act was to establish an income tax and a monetary system which was altogether

opposed to all the principles which had been laid down hitherto by financiers in this country. Above all, he had established protection in India, in favour of three hundred millions of subjects of Her Majesty:—nevertheless while, the night before, they were declaiming against the last shreds of protection which were still left in this country, not one word was said by his hon. Friend the Member for Birmingham, or any other hon. Member on that side of the House, in reference to the gigantic system of protection which was being established in India, by the gentleman who had been sent out there. They would hear more before long of the income tax which had been imposed in India, for it would necessitate the maintenance of a large army in that country. It would be an instrument in the hands of the tax collectors of India to oppress the Natives, and for every rupee which was collected by them for the Government, two would be collected for themselves. The mutiny which had occurred in India, and about which so much had been said, was the most miserable attempt at strike which it was possible to imagine, and he believed that ten rupees given to each man and a plum-pudding would have put an end to that mutiny, which had branded their local army with disgrace, had shown the Government of India in a most despicable light, and would attach a stigma to it as long as it existed. With regard to the expense, they had been told by the Secretary of State for India that the difference of cost between the two systems would be something like £200,000, but he (Sir James Elphinstone) believed it would be nearer £2,000,000. The expense alone of sending the women and children belonging to two or three regiments to India had actually amounted to £22,000. He should wish that Lord Clyde and Sir William Mansfield had come forward with a clearer and more logical description of the means by which they had arrived at a different conclusion from the one of last year. It was a most remarkable thing that about the same time a series of conversions were made, and among the converts was the right hon. Gentleman the Secretary for India. He had no hesitation in saying that if this Bill had been referred to a Committee the Report would have been that the Bill was wholly unwarrantable; and, if the measure should unfortunately pass, we should hereafter have to come back to the state of things which at present prevailed in India.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. J. B. SMITH said, there was a mystery hanging over this question, which he was very desirous of having cleared up. Why was it that the Government and the Secretary of State, who had spoken last year in favour of maintaining the local army of India, had so suddenly changed their minds? One of the principal reasons assigned was the mutiny, but it was clear that this was a false pretence. Sir James Outram had designated the stories about the mutiny as an absurd and foolish exaggeration; and said that the men had not mutinied because they were a local force, but because they considered themselves treated with deliberate injustice and contumely. It is evident that the Government concurred in this opinion, as no sooner did the mutineers return to this country than every man who chose was re-enlisted. The right hon. Gentleman, the Secretary of State for India, was in possession of all the authorities to which he now appealed, when he held a different view from that on which this measure was founded. Indeed, the weight of authority was in favour of maintaining a local force. He attached great importance to the opinion of Lord Ellenborough, a man of great ability, who had been Governor-General of India, and three times President of the Board of Control; who had opportunities during his residence in India of seeing a local army in times both of war and peace, and who was strongly in favour of a local army. He regretted that this Bill was to be persevered in. Those who had voted at first in its favour, after reading the Papers, and hearing the discussions which had taken place, had felt it their duty afterwards to oppose it; and there could be no doubt, if the Bill had been brought forward at an earlier period, and if the Papers had sooner been laid on the table, it would not have stood the test of mature discussion.

MR. T. G. BARING understood from the speeches of the hon. Baronet the Member for Portsmouth and the hon. Gentleman who last spoke that the grounds upon which the third reading of the Bill was now opposed were, that it was introduced late in the Session, and debated in thin houses;—that the information was incomplete;—the Indian Council had not been consulted, and their dissents only lately produced.

Sir James Elphinstone

Now, he did not think that the introduction of a Bill in June rather than May was any valid reason for resisting its progress. The subject had undergone ample discussion, there was an adjourned debate on the Motion for leave to bring in the Bill; an adjourned debate on the second reading; the House would recollect the tedious length to which the discussion was pushed on the instructions to the Committee; and now, on the third reading, there was another discussion. With regard to the state of the House during those debates, the House would remember that on the bringing in of the Bill there was a large attendance. There was also a large attendance when the noble Lord the Member for King's Lynn (Lord Stanley) made a very able speech against the Bill, and when the hon. and gallant Member for Huntingdon gave his support to the Bill, as well as during the speeches of the right hon. Gentleman the Member for Stroud (Mr. Horsman), and of the Secretary of State for War. Those facts being taken into account, it was rather unfair that hon. Gentlemen should assert that the Bill had been proceeded with in thin Houses. Assertions equally unfair were, he might add, made with respect to information on the subject not having been produced, for more than a year had elapsed since the Report of the Royal Commission, together with the Appendix to it, had been laid on the table. It was contended that the Council of India had not been consulted with reference to the proposed amalgamation, and that their opinion on the point had not been placed before the House; but the fact was, that the opinions of the most distinguished Members of that Council had been presented to Parliament last July twelvemonth. Mr. Willoughby, for instance, Colonel Durand, and General Vivian, had been examined at great length before the Royal Commission, the Appendix to which contained also the opinions of Sir John Lawrence; and he would take it upon himself to say that, except in one or two minor particulars, there was nothing new in that ingenious and elaborate dissent which Mr. Willoughby had recently published. But, beside the information which the Report of the Commission and the Appendix to it conveyed, other information of a very important character had also been presented to the House, before the Bill was introduced. He should further observe that if it were, as the hon. Member for Evesham (Sir Henry Willoughby) seemed disposed to think, a great blot on

the proceedings of the Government in the matter that the dissent of the Council of India had not been laid on the table before the second reading of the Bill, the blame of the omission rested entirely with the Council itself, for on the 17th of May his right hon. Friend the Secretary of State for India gave its Members an opportunity of recording their dissent, while it was not until the 12th of June that the Bill was introduced. With respect to the course proposed by his right hon. Friend, towards the Council, he would only say that it was strictly in accordance with law, and had been deliberately adopted by two administrations. Passing, however, from those preliminary objections to some which were again urged against the measure itself, he must say he could not understand on what good ground it could be maintained that its operation would be to diminish the authority of the Governor General. It could not, he thought, be seriously contended that the influence of Her Majesty's Viceroy would be impaired by the fact of Her Majesty's troops being sent out to India, or by placing a few regiments, simply in regard to discipline, under the supervision of the Commander-in-Chief at home. Then, again, he knew of no patronage which, by the passing of the Bill would be taken out of the hands of the Governor General, for all Staff appointments would still be made in India. But it was said that if the proposed scheme were carried into effect we should not be able to find sufficient officers fit to be employed with Native troops, or in the Civil Service in India. The fact, however, was that, those officers who had distinguished themselves most in the Native army, and in civil situations, had, in many instances, received their training in the local European regiments; and, he should like to know what the difference was in the training of an officer brought up in that force and in the Queen's army serving in India, and why officers of Line regiments should be incapable of performing duties which their fellow-countrymen in the local force had efficiently discharged. He might point to the names of Havelock, Mansfield, Markham, Lugard, and others which were quoted by a most distinguished Indian officer (Colonel Mayne) in 1855 to show how well qualified they were to do any service which the East India Company might require at their hands—as furnishing a sufficient answer to the opponents of the measure upon that head. The officers of the Royal army were made of the same stuff

as their brethren of the local force, and would, he felt assured, find themselves quite equal to any position in which they might be placed. Next came the question of the expense which the passing of the Bill would entail, and which the hon. Members for Portsmouth and Evesham had estimated at £2,000,000; by what process of calculation he was at a loss to understand. It was a conclusion, at all events, very different from that which had been come to by a gentleman perfectly independent of all parties, who was employed by the Government to make the calculation, whose report was upon the table of the House, and who says, that £114,000 would be the extent of the cost of converting the existing number of local European troops into troops for general service. If hon. Gentlemen doubted the accuracy of that estimate, then must they show that the figures of Mr. Hammack were erroneous in order to substantiate their view of the case. [Sir JAMES ELPHINSTONE: They are erroneous.] He might add, that Mr. Hammack had taken into consideration the actual expense only of the change, and not the saving which would be effected by the conversion of a double into a single staff, and which, it was calculated, would amount to £20,000 per annum. That sum must, therefore, be deducted from the £114,000 which he had just mentioned; while the comparison would be still more favourable to the Line if additions were to be made to the depôts of the local army, as was recommended by Sir James Outram, of no less than five battalions of infantry and a proportionate force of cavalry and artillery, but the extra expenditure for which would not be requisite if the present Bill passed into a law. Again, to keep up a small local force would be, as Colonel Durand had observed, “a half measure of doubtful aspect, far from creditable to England, and might possibly incur the risk of evoking grave discontents,” while, in order to maintain a local army on an extensive scale, it would be necessary to raise and discipline at home thirty new local regiments at least, and during the time occupied in effecting that object to employ additional Line regiments in India, to replace those Line regiments by the newly-raised local regiments in due season, and to discharge the troops thus replaced on their return to this country—a proceeding which he thought the British House of Commons would hardly regard with satisfaction. Another point to which refer-

ence had been made was the health of the troops. He wished hon. Members, instead of accepting the very ingenious Minute of Mr. Willoughby, without examination, had referred to the papers which it quoted, for it appeared that Dr. R. Martin, instead of having given his opinion in favour of the local troops, as might have been fancied, stated

"That the official results in respect to the mortality at each age among the military officers and the civil servants of the Bengal Presidency afford a convincing proof that in the East Indies no advantage in the way of acclimatization has hitherto been derived from length of residence."

[Mr. H. D. SEYMOUR intimated his dissent.] Perhaps his hon. Friend thought that the carelessness of the soldier was an evil harder to be combated than the effects of a tropical climate. Such, however, was not the opinion of Dr. R. Martin, a gentleman more competent, perhaps, than any other to give an opinion on this point; for he stated:—

"The greater losses in certain newly arrived regiments, as compared to those of older standing in India, are not necessary to the climate and may be entirely prevented."

The question, however, was capable of being reduced from one of opinion to one of fact. Very recently a return showing the mortality of the troops in both services at the several stations in India for the last forty years, ending in 1856, had been obtained. It appeared that among 815,634 troops of the Line there had been 56,782 deaths, or in the ratio of 6·9 per cent; while of 476,172 local troops 31,943 had died in the same period, being in the proportion of 6·5 per cent. The difference, therefore, was hardly preceptible. [Sir JAMES ELPHINSTONE: Have you got the stations?] The return was not for particular stations, but for the whole of India. That the troops sent out from England did not die quickly was clearly shown in the case of the twenty regiments who went out during the mutiny and were not engaged in action. The loss of men in those regiments was about 3½ per cent, and among the railway servants in India the mortality was at the rate of 2¼ per cent. The most important point raised in the discussion was that relating to the mutiny of the European troops. The hon. Baronet the Member for Lanarkshire (Sir Edward Colebrooke) talked of unfair charges against the men, and other hon. Gentlemen had adopted the line of argument that there had been no

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mutiny, that the troops had been ill-treated, and that no weight ought to be attached to the opinion of Lord Clyde. What was Lord Clyde's opinion? He said that it was known with absolute certainty that open resistance on the part of the Bengal European troops had been talked of in the barracks for weeks, and there had been the most unlawful and mutinous combination to intimidate the Government; that the combination, so far as the original design of the movement, might be considered as perfect; and that the recollection of the strike or mutiny would never die out in the Indian local army, for the men would always advert to it when they were dissatisfied; that for those reasons he was irresistibly led to the conclusion that it would be henceforth dangerous to maintain a local European army. The House was bound to listen to the opinion of those who were on the spot, and who, in addition, were responsible. He entertained great respect for the opinions of Sir John Lawrence and of Mr. Willoughby, in reference to matters as to which they had knowledge; but it must not be forgotten that Lord Clyde was on the spot; he was Commander-in-Chief, and he was responsible, whilst Mr. Willoughby and Sir John Lawrence were civilians—they were in England, and they were not responsible. The papers laid on the table showed that Lord Clyde was originally in favour of the claims of the men, and therefore it was also clear that what he subsequently said in reference to their conduct was an unprejudiced opinion. Now, was there any danger in this "strike" of the troops, as it had been called? Lord Canning said, in writing to Lord Stanley—

"Your Lordship will see plainly that for some days a collision between large bodies of our English soldiers has been imminent."

From Lord Canning to Farrier Murphy nobody had any doubt that what had taken place was a mutiny. He would give an instance of what had taken place. The 5th European Infantry Regiment was stationed at Berhampore, and they had a conference; letters were produced from other regiments; they refused to do duty; they rescued two prisoners; they congregated in their barracks to defy attack and to protect each other, and they appointed their own officers. Their commanding officer applied to Calcutta for a force to overawe his men, and Lord Canning sent 500 men and two guns, and to this display of force the troops submitted. Was that

but a strike, or a remonstrance? The commanding officer of the regiment, an Indian officer, reported that 205 of his men were "disloyal," a word for the use of which the hon. Member for Hertford had taken the Secretary of State for War to task, and the officers of companies referred to portions of their men as "mutinous." The "loyal" men in the regiment were only 79, and yet this was not to be called a mutiny. He did not wish in any way to blame the officers, but Colonel Mackenzie, a Queen's officer, whom it was found necessary to place in command of the regiment in order to reduce it to a state of discipline, said, that though the officers gave him every assistance in their power, yet their ideas as to the treatment of European troops were entirely different from his own, and this arose from want of experience on their part. He said that punishments for crime had been quite inadequate, and he instanced several cases, such as a sentry asleep on his post—forgiven; Corporal Harty three times drunk in four months—forgiven; Sergeant Cunningham drunk on guard—warned that he would be tried next time; and, lastly, the instance of a soldier drawing his bayonet with intent to stab another soldier when on guard, who was also forgiven. The fault, it had all along been contended, lay not with the individuals, but with the system. There were forty-two officers attached to the 5th Regiment, but the greater part of them were employed in miscellaneous duties in different quarters of India; of fourteen captains only four were with the regiment; of the nine senior lieutenants only one was present. The commanding officer had served long in the Native army but had no knowledge of European troops. Did not these facts bear out Lord Clyde's opinion that—

"The Bengal army cannot supply officers capable of forming new European regiments. For such business they have everything to learn from the colonel downwards?"

What could be expected from such a system? To continue and extend it, which must be done if the plan of the Government were rejected, would be at once absurd and dangerous. Nobody had any intention to interfere with the rights of the officers. Hon. Gentlemen talked as though the Bengal army was in a perfect state, but the whole of it was gone, and nothing but the skeleton of it in the shape of *cadres* of officers remained, who were mainly employed with Native troops and in staff appointments

There could be no difficulty in continuing that arrangement; whereas, if the scheme of the Government were rejected, the local officers would have to be brought home, to raise and discipline new local regiments, a work for which it was no discredit to them to pronounce them wholly unfit, and their staff appointments would have to be filled by officers of the Line serving in India. A great deal had been said about authorities; but he thought they preponderated largely in favour of the plan proposed by Her Majesty's Government. The Government proposed to do away with the present system of Staff employments, and in the opinion of almost every officer and civilian in India the system of Staff employments had been the bane of the local army. Some hon. Gentlemen talked as if there never had been any jobbing in India; but what was the opinion of the officers of the Indian army? Colonel Harrington was asked before the Commission—

"Do you object to the present system of having a certain number of European officers from the regiment on the Staff—and his reply was—I do; because every young officer who comes out now says, 'My father is a Director,' and so and so; 'directly I have passed my examination, in a couple of years I shall be off, and care nothing for the regiment.' And no wonder, when the threat of being sent back to one's regiment is held out as a punishment for misconduct or misbehaviour. Regimental officers are constantly taunted with the remark 'that the best and most intelligent officers are selected for the Staff.' Officers are selected: but the rule is interest, and merit the exception that guides these selections."

What was the opinion of Sir Bartle Frere upon this system? He said—

"It may be set down as a truth hardly disputable, and of cardinal importance, that there can be no reasonable hope of ever keeping an useful Native army as long as we persevere in our present system of making staff appointments away from the regiments an object of ambition to regimental officers, and a better provision for a young man in position and emolument than the command of Native soldiers."

Again, no one had contended that the discipline of the local army was equal to that of the regiments of Her Majesty's Line. No one now would say after the recent occurrences that the difference was in mere pipe-clay, or that it was not in the whole instruction and government of the troops. Authorities, he held, were decidedly in favour of the plan of the Government to get rid of the present system of Staff appointments and to apply the system of English regimental discipline to the European troops in India. So with

respect to the political question. It had been said that the Natives of India would suffer by the proposed change; but the staunchest friends of the Natives, the most earnest advocates of their rights and interests—Sir George Clerk and Sir Charles Trevelyan, for example—were supporters of the scheme for amalgamating the two armies. The opinion of Lord Cornwallis had again been quoted against amalgamation; but that opinion was given only five months after the arrival of Lord Cornwallis in India, whereas, for the whole of the rest of his life, he was in favour of combining the local European army with the regular army. An hon. Member had also cited the opinion of the Duke of Wellington; but that opinion was the same as the opinion entertained by the Government in 1855, namely that so long as the Government of India was vested in the East India Company the military authority could not be separated from the Civil Government, and the transfer of the Government from the East India Company to the Crown altogether removed that serious objection to the complete amalgamation of the armies. He would remark that upon that occasion the hon. and gallant Member for Westminster, who opposed the present Bill, supported a Motion for amalgamating the two armies. [Sir DE LACY EVANS was understood to intimate dissent]. In 1855 Sir Erskine Perry brought forward a Motion for a Committee to inquire into the expediency of employing Indian forces in the Crimea, and of amalgamating the local European army in India with the regular army. That Motion was seconded by the hon. and gallant Member for Westminster, who acted as a teller on the occasion, and it was supported by the hon. and learned Member for Sheffield, who now predicted the most direful results from the scheme of the Government. He (Mr. Baring) must request the House not to accede to the Motion of the hon. Member for Portsmouth, for he was convinced that the Bill would place the European forces of Her Majesty in India on an efficient footing; that concomitant measures would increase the general efficiency of the army; and he was no less convinced that there was nothing in the Bill which interfered unjustly with any of the rights or interests of the officers of the Indian army.

SIR DE LACY EVANS said, that the hon. Gentleman alluded to something that took place a few years back; but he (Sir De Lacy Evans) did not recollect to have

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heard at that time a word about amalgamation, and all that he did, as far as he recollected, was to support a Motion for obtaining reinforcements from India in aid of the war in the Crimea. But no sooner did he hear of the scheme of amalgamation than he protested against it. The hon. Gentleman in the latter part of his speech alluded to the rights and privileges of the officers of the local European force, and said that there was nothing in the Bill which endangered those rights. Of course the Bill did not touch them because there was no allusion to them whatever. That was what they complained of—they did not know what was to be done. The Bill only declared that there should be no local European force in India, and did not explain how the new system was to be carried out. It had been stated that this object had already been effected, as the local force had dissolved itself; but it appeared by the Returns that from 18,000, to 20,000 men still remained, and the Bengal Artillery, lauded as not being inferior to any Artillery in the world, had been brought up to its complement by Lord Canning through the means of volunteers who had seen five or six years' service. The Artillery of Bombay and Madras likewise remained intact. Were these still to be maintained or were they to be broken up? The Bill told them nothing; and what he contended was that such a measure ought not to have been brought forward without a full and complete statement of the manner in which the amalgamation was intended to be carried out. The measure had been introduced in a most objectionable way late in the Session, and without Papers or information, and when the Papers were at length produced they did not amount to one-third of what they had a right to expect; and when objections were made to such a course of proceeding, it was stated that there were 800 pages of documents connected with this subject not before the House. The Secretary for India said that he did not know anything about them, or that they were not in his possession; but, after considerable discussion, it turned out that they were in the possession of the Secretary for India. The noble Lord at the head of the Government then requested that the second reading of the Bill might take place, promising that all the documents should be presented to the House before the next stage. Nevertheless, another stage was proposed, when only one-

third of those documents were before the House. The necessity for this Bill, as alleged by the Government, was occasioned by the improper conduct of the European forces in India; and therefore it was requisite that the documents should be before the House, in order that the House might judge whether or not that allegation was sustained. On the recommendation of Lord Clyde, Courts of inquiry were instituted, and the men who had claimed their discharge went before those Courts and respectfully stated their grievances. It appeared that these men were mainly induced to claim their discharge in consequence of a statement made in a speech by the Prime Minister; and, considering the manly character of that noble Lord, it was surprising that the complaints of the men were allowed to continue so long without the expression of an opinion from the noble Lord as to the right of the men to claim their discharge in consequence of the statement he made. The right hon. Gentleman the Secretary for India had now changed his mind, and, because the House had not changed with him, he reproached them with factious opposition. Then although he knew as much of the facts of the case as now, he would not allow that there was anything like a mutiny, and he laid it down that the conduct of the officers had been so honourable that it would be discreditable to the House to do anything injurious to their interests. There could not be a better answer to the speech of the Under Secretary for India, who had just sat down, than the speech of his superior in August last. He was afraid that patronage had something to do with the change which had taken place. The authority of the Duke of Wellington had been frequently quoted in these debates, but he had laid it down most clearly that the Commander-in-Chief in India should have the exclusive and independent command of the army there. The Marquess of Wellesley, too, had stated that to attempt to control the patronage of India from home would be most injurious to Indian interest. He was afraid, however, that the authority of the Governor General and the Commander-in-Chief in these matters had already been impugned. The patronage of the Commander-in-Chief at home was greater by far than that possessed by any other Department, either in England or any other country—and yet they were about largely to increase it. In conclusion he must protest altogether against the measure. It

had been brought forward in a most improper and unsatisfactory manner and without any information being given on the subject; and there had been almost a contest in obtaining even the Papers that were before the House.

SIR HARRY VERNEY said, the arguments of those who supported amalgamation were founded on alleged defects in the organization of the Indian army, on the absence of officers from their regiments, and the consequent bad state of discipline. But those were points which ought to have engaged the attention of the Government, and the existence of such defects furnished no valid argument against the system. He must protest against the statement of the hon. Member for Penryn (Mr. T. G. Baring), who, in defending the Government measure, said that the officers of the Queen's army were competent to perform all the duties now performed by the officers of the local army. He thought the contrary must of necessity be the case. Every officer of the Queen's army who went to India thought chiefly how and when he should come home again; but an officer of the local army, who looked to spend his life in India, studied the language and the character of the Natives, learned to treat them with consideration and conciliation, and learned also how to take care of his own health. This great difference between the feelings of the two men, necessarily rendered the one less fit than the other for Indian service. He felt certain that it would become necessary hereafter to have a local force in India; and, such was his confidence in the character of the noble Lord (Viscount Palmerston), that he believed he would be the first to acknowledge the error of the Government, and endeavour to rectify it. Meanwhile, he trusted that those who, like himself, entertained the greatest repugnance to this Bill, would now allow it to pass. The arguments against it had been repeatedly urged, and the opponents of the Bill might now leave the responsibility with the Government, and allow the House to pass to the other pressing business of the Session.

COLONEL PERCY HERBERT said, the hon. Baronet the Member for Lanarkshire (Sir E. Colebrooke) had referred to some observations that fell from him on a former occasion. As far as his recollection would serve him at this distance of time, what occurred was this. In answer to those who had declared that there had been no mutiny among the European troops in India, he

had observed that when troops barricaded themselves in their barracks, and talked of seizing the guns and joining the Sikhs, this was, at all events, very like a mutiny. In support of what he then said he would read an extract from a despatch of Sir William Mansfield, dated the 26th of September, 1859 :—

“Such was the feeling throughout the Bengal artillerymen that, though the old soldiers and non-commissioned officers were too wary to commit themselves to overt crime, not one of them, in any part of the country, came forward to warn their officers of what was impending, their combination and conspiracy in this respect being more thorough than that of the Sepoys themselves in 1857. There was actually a design to march to Delhi from Meerut. In one intercepted letter an artilleryman speculated on raising the Sepoys, and calling on the Sikhs to help them, with which help he thought he would be able to ‘drive the Royals out of India,’—his own expression. We found out from a recruit’s letter, after the discovery had been made at Meerut, that it had been the common talk at Cawnpore six weeks before that the Artillery were to seize the guns in an up-country station.”

He would now ask the House to judge between him and the hon. Member for Larnarkshire, as to whether he was justified or not in the language he had used. His objection to a local force was not on account of its origin in having belonged to the Company, but because in a force raised for local service alone discipline could not be maintained at so high a pitch as in regiments which were periodically sent from this country to India. The hon. and gallant Member for Westminster (Sir De L. Evans) had alluded to the evidence taken before the Committee on Military Organization, and had remarked on the very large amount of patronage which would be placed in the hands of the Commander-in-Chief, and on the disposal of first commissions resting in the breast of the Commander-in-Chief for the time. That statement was quite accurate; but the hon. and gallant Member went on to say that in no other department of the State was patronage conducted in that manner. He would remind the House that the greater portion of the nominations for naval cadetships was in the hands of the First Lord of the Admiralty, and the First Lord was guided by rules only in his own breast, the same as the Commander-in-Chief of the Army would be in the disposal of first commissions.

SIR EDWARD COLEBROOKE explained, that what he had said was, that there was nothing before the House to give support to the assertion which had already

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been made by the Secretary of State for War, on the authority of the despatch of Sir William Mansfield. It was clear that Sir William Mansfield referred to the letter of an artilleryman in the Punjaub. The letter had not been produced, and he did not believe in its existence.

MR. HORSMAN said, that, without wishing to go into the merits of the question, he rose to enter his final protest against this measure being passed, and to restate the grounds of the opposition which he had offered to it. He thought it was a great error to treat this question, as the hon. and gallant Member who had just sat down, as a merely military question. He and those Friends of his who opposed the Bill considered it as a question affecting the whole administration of India, and on that account it was that he complained of the little care and pains that had been taken in presenting it to the House. When the Act of 1858 was passed Parliament was of opinion that the transfer of the Government from the Company to the Crown would cast upon the Legislature new duties and responsibilities. The Sepoy mutiny had brought home the vivid reality of the warning that they held their Indian dominions by a precarious tenure, and they felt that their best hope of retaining India was to bring the greatest amount of thought and statesmanship to bear on Indian administration. They had not, however, found in the proceedings of the Government any recognition of the real difficulties and responsibilities of Indian administration. This measure, which effected a total revolution in that administration, was introduced with as much unconcern as a turnpike Bill, or a Bill for paving and lighting a provincial town. It was introduced late in the Session, at a short notice, and contained only one clause, without any plan accompanying it. It was the *maximum* of change with the *minimum* of information. He thought the course of the Government had been unusual and unprecedented, and that opportunity had not been afforded to Parliament to form an accurate judgment upon the matter in which great responsibility was to be incurred. Another ground of complaint was, not for what the Bill contained, but what was omitted—not for what it disclosed, but what it concealed. An enormous change was about to be accomplished without any indication on the face of the Bill of the nature of that change. Even if it were just in principle Parliament was not justified in

passing a measure of which it had such imperfect means of judging. The first question which he asked the other night, and to which some appearance of an answer had been attempted in the speech of the Under Secretary, was, what would be the future relations between the Governor-General and the Commander-in-Chief? The Governor-General, in the eyes of the Native Princes, was a great military Power, and hitherto had been understood to be at the head of all military affairs. But already the Commander-in-Chief in India had been writing despatches direct to the Horse Guards of a controversial character, and impugning the opinions and authority of the Governor-General. That was an indication of what was likely to occur. Already there was a double Government. The military authorities were setting themselves in opposition to the Governor-General, and in that case it was easy to see that the position and authority of the Governor-General would be very much weakened. He might be mistaken as to the nature of the relations existing between the Commander-in-Chief and the Governor-General, but he certainly thought the subject ought to have been fully and fairly brought under the notice of the House. Another very large and important question had been mooted by the hon. Baronet the Member for Evesham (Sir Henry Willoughby)—the question of expense. It was admitted that the change would entail additional expense on the finances of India. During the last four years there had been a deficiency in the Indian Exchequer of no less than £37,000,000, for which sum the taxpayers of England were security, and they would eventually have to pay it; yet we were now most improvidently proceeding to increase the expenditure and add to the debt. Surely, then, the House ought to have had definite and precise information as to the effect which the measure was likely to have on the future change which it would entail, in respect of our military expenditure. Then, again, it appeared from the papers before Parliament that 29,600 men would annually be on their passage between this country and India, and the services of those men would be lost during the time they were on shipboard. There was another serious question to consider—the enormous amount of additional patronage that would be conferred upon the Horse Guards—more than doubling the patronage that department already dispensed. The House was told that the

Commander-in-Chief did not desire that additional patronage, and that a wish to obtain it was no part of the reasons for the transfer. That was, no doubt, true; but the question which the House had to consider was, not what was the character of the present Commander-in-Chief, but whether the transfer was right in a constitutional point of view—whether the transfer to the Horse Guards of so large an amount of patronage ought not to be seriously considered by Parliament before it assented to such a change. A comparison had also been made between the relative efficiency of the local army and troops of the line. Upon the question of health there could be no doubt that men who were acclimatized and seasoned in India were more healthy, and consequently more efficient, than troops arriving from England. Then came the question who were most efficient for Indian duties, and whether officers who had gone out to India young, who had learnt the languages, studied the character of the people and were acquainted with the country, and who made it the sphere of their future hopes and prospects, were less fitted for those duties than officers who went out merely for five years, who looked upon their residence in India as an exile and a penance, and who desired nothing so much as to leave it as soon as possible? Mr. Wilson, in a recent Minute, said that nothing had struck him so much as the contrast between local officers and officers of the Line in their treatment of the Natives. It was admitted that we could not hold India entirely by force, but that to some extent we must govern by opinion; and then it became a question whether men who go out intending to make India their home were not more likely to study the character and feelings of the Native population than officers who only went out unwillingly for a short period. A further question had been raised as to the fitness of Indian officers for the higher appointments in India. He had seen with regret the opinion that had been attributed to Lord Clyde as to the unfitness of local Indian officers for those appointments. It was invidious to institute any comparison between two gallant armies, but it was a fact that our three greatest military disasters in India had arisen from the inefficiency of the commanders who were sent from England; and those disasters had every one been retrieved by the conspicuous ability of officers belonging to the local force. A study of events during and since the recent mutiny would convince any one

that the Indian officers would bear comparison with the officers of the Queen's army. He repeated that all these considerations should have been submitted to Parliament before so great a change was made. It used to be said that India must be governed in India; but now it seemed that India was to be governed in England and from the Horse Guards. This led him to consider whether that Department was equal to this new task. Of the present Commander-in-Chief no one could speak but with respect and praise. As a member of the Committee upon Military Organization he (Mr. Horsman) had heard the evidence of the Commander-in-Chief and the Secretary of State for War, and he knew how they had co-operated in promoting improvements in the army. Many improvements had been effected, and he was bound to say that great credit was due to the Commander-in-Chief, not only for what he had done, but for the improvements which he was desiring to carry still further. He believed there never had been a Commander-in-Chief who was actuated by a wiser and purer zeal for the promotion of improvements in the army. But what had been the unchanging, and apparently unchangeable character of that Department, not only in the present, but during the last two centuries? It had been notoriously the worst managed Department of the State. History was full of instances of military disasters caused by inefficient commanders, of Commissions of Inquiry after our military operations, and nowhere had there been greater mischief in that respect than in India; favouritism, and not efficiency, had been the principle which governed the distribution of its patronage. The subject had been forced upon his attention by a speech delivered two years since by the hon. and gallant Member for Aberdeen (Colonel Sykes). The Native army at that time consisted of 300,000 men, besides the Native contingents of 400,000 more, making 700,000 men over whom the Commander-in-Chief had the control, and of which he might at any time be called upon to take the personal direction. There was no post which required on the part of a Commander-in-Chief so great a combination of physical and mental energy. Nevertheless, the hon. and gallant Member for Aberdeen in 1858 stated that he had himself as a Director seen a Commander-in-Chief sworn in at the India House, who was so infirm that he could not rise from his chair to return thanks for the honour

Mr. Horsman

that had been conferred upon him; and he had also seen another Commander-in-Chief sworn in who was so blind that he would have fallen over a chair in leaving the room but for the interposition of a benevolent Director. With such Commanders-in-Chief no wonder great disasters occurred. There were other instances which could be given of the manner in which the Horse Guards filled up that responsible and difficult post in India. By the change now proposed a great addition would be made to the duties of the War Department, which was already in a state of confusion, and which the House had been warned would break down if any war-strain should be brought upon it. It was to this Department which was admitted to be in so unsatisfactory a state that Parliament was about to transfer the whole administration of the Indian army, thereby more than doubling the labours, duties, and responsibilities of a Department already overloaded with work. On what authority was this change to be made? The Secretary of State for India advised the Cabinet; but who advised the Secretary of State? The first advisers to whom he might be expected to resort were the Council provided by Parliament for his special assistance. The fifteen gentlemen composing this Council, eminent men in India, were unanimously opposed to this plan; but that did not seem to have any effect upon the right hon. Gentleman. It might be said that these were all old Indians with Indian prejudices. Well, what other opinions had been given? Every one of the last four Governors-General of India was against the Bill, and three of them were living witnesses of the folly and temerity of the change. A Governor General of India was chosen from the ranks of English statesmen and Cabinet Ministers. He went out to India without prejudices, and came back with Indian experience. These authorities warned the Government that the change they were about to make would be attended with the worst consequences. Lord Canning, Lord Dalhousie, and Lord Ellenborough, all English statesmen with Indian experience, were strong and emphatic in their condemnation of the abolition of the local army. That was surely a reason why Parliament should pause and why it should have time for reconsideration. There were few who did not feel that in the face of such authority against the Bill, they were incurring a very serious responsibility in passing it. He did

say that even if the change were right, the House ought not to act hastily in the face of such authorities. Two authorities certainly had been cited. There was the authority of Lord Clyde, and also of Sir William Mansfield. He confessed he should pay rather more attention to their authority if their opinions had been more consistent. They had, however, originally been in favour of a local army, and it was a curious coincidence that Lord Clyde, Sir William Mansfield, and the Secretary of State for India, who were now cited as important authorities in favour of this Bill, changed their opinions at the same moment, and that moment was when the plan of the Commander-in-Chief for the abolition of the local army was submitted to them. It ought also to be remarked that the authority of Lord Clyde and Sir William Mansfield was a military authority. They treated this as a soldier's question—as a question merely affecting the army of India. The Governors-General of India and the Council of India, on the contrary, regarded this not only as a military, but also as a civil and political question, affecting not only the discipline of the army, but the safety and maintenance of the empire of India. He would rather defer to the opinion of statesmen and those who had governed India than take the opinion of military men, who looked at the matter in a merely professional point of view. The explanation for the change of opinion in regard to the abolition of the local army was that a mutiny had taken place among the troops, and that recent information had given to this mutiny a graver and more alarming character. It was said that the mutiny had not been confined to the young troops, as had been at first supposed, but had spread to the veterans. That, however, was called a mutiny now which was described by Lord Clyde as a just demand of what were the soldiers' rights. It was also made known to the soldiers that the Prime Minister of this country had declared that if the soldiers of the Company's army did not choose on the change of Government to transfer their allegiance to the Crown they were entitled to their discharge. They claimed their discharge accordingly, and now it was called a mutiny. It now appeared that all the particulars of this mutiny were known last year to the Government, when no change was thought desirable. Before the papers were produced the House agreed to the second reading by a large majority; but after

they had been laid upon the table one Member after another rose to express his regret for the vote he had given, and his intention to oppose the further progress of the Bill. So great had been the change of opinion produced by the papers that many hon. Gentlemen who had voted for the Bill had since stated their belief that if the Bill had been introduced early in the Session it would have been doubtful whether the Government would have carried the second reading. As it was, the Bill would, no doubt, be carried. The failure of the opposition was chiefly due to a cause which had been predicted when the Act of 1858 was passed. There were some who thought that when the transfer of the Government of India from the Company to the Crown was effected, the Secretary for India would act under a sense of responsibility and that Indian affairs would receive due attention. Others thought that that would not be the case, and in particular Sir Charles Trevelyan then warned the Committee before which he was examined that the financial, judicial, political, and other affairs of India brought before a Parliament already overburdened could not be attended to, that the control would therefore become nominal, and that habitual apathy would soon succeed. Had not that been the case during the present Session? If not, should they have had seven India Bills all introduced at the fag-end of the Session—one of the most important of which, dealing with the finance of India and involving a large loan, was actually put off to the last week before Parliament separated? He hoped that the debates on this measure would tend to remedy this evil. They had not effected much this Session, but they had laid a good foundation for the future. Any Minister of India must now feel that when a serious measure of Indian legislation was to be brought before the House, it must be well prepared, early introduced, supported by the most ample information, and must undergo that full discussion which it was the duty of the Minister to invite, and which Parliament would grossly neglect its duty if it did not take care to enforce.

SIR MINTO FARQUHAR said, he wished to correct an error into which the Under Secretary for India had fallen in estimating the financial results of the change. Mr. Hammack distinctly stated that an Indian army of 80,000 men, in the proportion of troops of the several arms as proposed by the Commander-in-

Chief, would, if composed of Line troops, cost £6,765,084, and if of local troops £6,302,316, the difference between the two being £462,768. Mr. Hammack also estimated that the substitution of Line troops for the local force of 19,500 men in India in February last would entail an additional cost of £114,253; and he went on to show that if the entire force of 80,000 Europeans consisted of two-thirds Line and one-third local the additional annual expense would be £308,512. One-half Line and one-half local, £231,384; one-third Line and two-thirds local, £154,256.

MR. T. G. BARING: I stated that the Government plan would increase the cost of the present force by £114,000.

SIR MINTO FARQUHAR was sorry he had misunderstood the hon. Gentleman. He wished the House, however, to observe these facts. He must reiterate his surprise and regret at the manner in which the opinions of the Indian Council had been set aside on a question which so deeply concerned them, and that the opinions of such distinguished men as the Governor General, Sir James Outram, Sir John Lawrence, and others, should be disregarded by the Government. Not only the financial but the political interests of India were imperilled by this measure. He rested his opposition to this Bill upon the clear and able speech of the noble Lord the Member for King's Lynn, upon the statements of other hon. Members in this House, and upon the opinions of Lord Canning and of the other eminent men whose names he had mentioned. He had not opposed it from any hostility to the right hon. Baronet opposite, for whom and for the right hon. Gentleman the Secretary of State for War he had great respect. He had acted according to what, in his conscience, he believed to be his duty, and therefore he was not open to a charge of faction.

MR. HADFIELD rose to complain of the restrictions which impeded the commercial intercourse between this country and some districts of India. It was a question in which his constituents were deeply interested, and he trusted the right hon. Gentleman would speedily direct his attention to the subject.

SIR CHARLES WOOD: It will soon—I hope on Monday next—be my duty to lay the financial state of India before the House, and the hon. Gentleman will then have a more fitting opportunity for discussing the question to which he has re-

ferred than is afforded by the present occasion. I hope that I may congratulate the House upon having at length reached the last stage of a protracted discussion. The right hon. Gentleman the Member for Stroud (Mr. Horsman) as well as several other hon. Members, has continually complained that upon two or three points the House had received no information as to the views of the Government; but I must remind him that on the 12th of June, in introducing this measure, I stated fully what were our opinions with regard to those subjects. I then stated that we had pledged ourselves to take the opinion of the House upon this most important question, and that it would be most improper for us to adopt any measures in regard to it which had not received the sanction of this House. I fully agree with those who have stated that this question is one of vast and mighty importance to the welfare, and perhaps to the safety, of India, and I am disposed to regret that some Gentlemen have rather dwarfed its proportions by introducing subjects of minor importance into the discussion. They have made the question to turn more upon the mode and form of carrying the scheme into effect than upon the merits of the scheme itself, and have wasted much time by referring to returns which after all are comparatively unimportant. Whatever some hon. Gentlemen may think of the necessity of preserving a local European army in India, and however high may be the authorities arrayed against the Government, I can assure the House that we had only one motive for adhering to our scheme, and that is that we conceive the welfare and prosperity of our Indian dominions would be best promoted by the course which we propose to adopt. A good deal of argument has been raised, as though the whole question turned upon the inconsistency of the course which we have pursued. I have never concealed from the House that I have changed my opinion since last year. The hon. and gallant Member for Westminster said that I last year introduced into this House a Bill for the purpose not only of maintaining but of increasing the local Indian army. That assertion is quite incorrect. The real object of that Bill, however, was not to increase the local army, but to legalize the employment of 4,600 men who, owing to the exigencies of the time, had been added to it by the Government of Lord Derby beyond the limit allowed by law; and I then said that

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the course which the House might adopt upon that occasion would not prejudice any question which might thereafter be raised in regard to the Indian army, and that nothing which we did or said was to be considered as implying an opinion that a local army ought to be maintained in India. Hon. Gentlemen have gone on repeating, until I have no doubt they believe it, that we were in August, 1859, in possession of all the circumstances of the mutiny of the local European troops. I have always stated that my change of opinion has in part arisen from the views which were taken of what then occurred by such men as Lord Clyde, Sir William Mansfield, Sir Hugh Rose, and Sir Patrick Grant, and of many of their letters I was not in possession in August, 1859. Although some letters had been received, if hon. Members will look at the dates they will see that four-fifths of the communications which have been laid before Parliament could not have been in our possession in August, 1859. I attach the greatest possible importance to the letters of Lord Elphinstone, and I cannot omit to avail myself of this opportunity, the first which has occurred since his lamented death, to pay a tribute to his memory. A man of sounder judgment, of greater energy, of greater talent, or of greater discretion and tact, as evidenced through all his long Indian administration, was never sent out from this country. Not one of his letters was in our possession in August, 1859. The letters of other eminent authorities had not then been received; and therefore it is quite a mistake to say that in August last we were in possession of the grounds on which we have formed our present opinion. Mr. Hammack's report is also dated November, 1859, and some other papers relating to this subject are dated as late as April last. The statement of the hon. and gallant Member for Westminster that I was aware in last August of 10,000 men having taken their discharge is also quite inaccurate. When I spoke at that time I was not aware of the discharge of a single man. The circumstances had totally changed when we came to the determination against continuing a local army in India. It was the intention of the late Government to maintain the small local army which then existed; but it was found that such a course would not satisfy the advocates of a local army, who insisted that, in order to keep up its character and efficiency, it should be a large force. They insisted that the local

army should be two-thirds of the whole European force. [Mr. D. SEYMOUR: Lord Canning does not say that]. Lord Canning in his last despatch does not insist upon two-thirds, but says that one half will do; but the opinion of Lord Ellenborough and of the military commission of the Indian Council is, that of the whole European force of 80,000, two-thirds should be a local force. When, therefore, we learnt that the 10,000 men had taken their discharge, we had to consider, not whether we should continue a small local army, but whether we should create a large one. Any candid and impartial man will admit that the circumstances had entirely changed between the summer of 1859, and the succeeding winter and spring. That is my answer to the charge of inconsistency. But even if it had not been so, surely the fact that men like Sir William Mansfield and Sir Patrick Grant, who were responsible for the safety of the army, and were eye-witnesses of the events passing in India, were induced to change their opinions and driven to the conclusion that it would be impolitic to maintain a local army in that country, affords some excuse at least for our also coming to the same conclusion. It has been erroneously said that Lord Clyde changed his opinion. Lord Clyde was never in favour of a local army. That is, indeed, stated in Mr. Willoughby's Minute, but it is one of several inaccuracies which have crept even into that able document. The fact is that Lord Clyde says he had abstained from expressing any difference of opinion from the Governor General, because he thought it his duty rather to obey than to dissent from that authority; but that when the events of last summer occurred, a strong impression was produced in his mind, which he could not conceal, against the maintenance of a local army. This change of opinion on the part of Sir William Mansfield, and of Sir Patrick Grant, himself a Sepoy officer, who could not be supposed to have entertained a prejudice against a local army, seems to my mind one of the strongest reasons for giving weight to their judgment. This question has, no doubt, important political bearings, but still it is pre-eminently a military question. The right hon. Member for Stroud (Mr. Horsman) said we have never stated our views as to the effect of this measure on the authority of the Governor General. Now, on the 12th of July I said we did not conceive that the course we were pursuing

would in the slightest degree affect the Governor General's authority—that he was the representative of the Crown in India, and ought to have precisely the same power in controlling and directing all military operations as the home Government has in this country. It has been observed that the sceptre and the sword must be wielded by the same hand in India. Well, if the sceptre was shaken in the hand of the Governor General during the mutiny, who replaced it as firmly as ever in his grasp but the troops of the Line. The Governor General selected the officers appointed to the command of expeditions in India; and the same power in all respects would remain with him under this Bill.

MR. HORSMAN: Does the Native army remain under him?

SIR CHARLES WOOD: Certainly. I said before that ultimately the Native army was to be officered from the Staff corps, which was to be entirely selected by the Indian Government.

MR. HORSMAN: Is not the Native army to be under the Horse Guards?

SIR CHARLES WOOD: Certainly not. If, instead of imagining all sorts of hypothetical consequences from this measure, hon. Gentlemen would confine themselves to the measure itself, as it has been stated in Parliament, they would save themselves and the public from much misapprehension. There will be no change in the position of the officers; and to give assurance of that, I am quite willing to accept the Amendments of the right hon. Gentleman the Member for Oxfordshire with respect to the rights and privileges of the officers and soldiers of the local army; but they are quite unnecessary, because the Bill does not in the least touch those rights and privileges. The right hon. Gentleman referred to the Correspondence in which the Commander-in-Chief at home expressed his opinion that the Commander-in-Chief in India ought to communicate with him in reference to the condition of the local army in India. But all that the Commander-in-Chief in this country stated was, that he thought reports might be made to him of the discipline of all European regiments in the Queen's service. It was not unnatural that the head of the army should entertain such an opinion; and there is no reason to believe, as it seems to me, that such a proceeding would weaken the authority of the Governor General. My right hon. Friend behind me very naturally laughed at the assertion of the right hon.

Sir Charles Wood

Gentleman the Member for Stroud, that we had become guarantee for the £37,000,000 of debt occasioned by the late war. There is no such guarantee. We have entered into no such engagement, and we have uniformly repudiated the notion that there was any such intention, and in a recent declaration of the Government of India Lord Canning states that he thinks it essential, in order to enforce a good financial administration in India, that the Government there should not look for the assistance of this country, but stand on their own resources. Then, as to the expense, I took the proportion of two-fifths local and three-fifths Line, as proposed by the late Government, and the cost of substituting two-fifths Line for two-fifths local I stated would be £184,000, all things included—in round numbers it would not exceed £200,000 a year; and if we are right in supposing that the change proposed would add materially to the efficiency of the army and the safety of the empire such an increase in an expenditure of between £13,000,000 and £14,000,000 for military purposes should form no impediment to its adoption. In many respects there will be considerable economy in having a single instead of a double establishment, and I certainly do not think the additional expense will exceed £200,000 a year. Then comes the health of the army. I believe the greatest nonsense has been talked about the acclimatization of the local army in India. It is much more likely that living some time in India will diminish health. Let me quote on this subject one simple paragraph from Dr. Martin. He says:—

“Length of residence in India, so far from conferring any advantage on the English constitution in the way of acclimatization, surely and gradually leads to physical degradation.”

It is perfectly impossible to state the matter more distinctly and decidedly. I admit that there is ground for serious consideration in the statement that the breaking up of the local army may diminish the number of men from whom able and useful official servants could be selected in India; and I yielded for a considerable time to the force of that argument; but I believe we have good reasons for expecting that the supply of able servants for civil employment to be drawn from the army will not be diminished by placing the whole army in the immediate service of the Crown. With reference to the political bearings of this question, so far from coming to a

hasty conclusion, I hesitated for a long time. The military grounds were clear enough: on them I have not for some months entertained a doubt; but the political bearings of the question on India I had very seriously to consider. I fully admit it was for some time before I could make up my mind on that subject. If this was a question on which all Indian authorities were on one side and all military authorities on the other more doubt might be entertained respecting it; but it is perfectly notorious that Indian authorities are pretty nearly divided on the subject, while most of the able men recently returned from India, who have seen recent changes and recent events, are in favour of amalgamation. The opinion of the Duke of Wellington has been referred to. This is what he says:—

“The difference in the state of the King’s troops in the East Indies from that in which the East India Company’s European infantry is known to be is conclusive against it in my opinion. The British army cannot be made a colonial corps without destroying its character and strength. Would it not be a most disgraceful and terrible mode of losing possession of any part of Her Majesty’s dominions by means of a mutiny of the officers of a local or colonial army employed to garrison it? Yet that is what we must look to if the army is to be employed as mere colonial troops, and never to quit the Colonies from the day they enter the service.”

I do not think it necessary to trouble the House at greater length on this subject. Whatever course is to be pursued with regard to India, we think the first element of strength is to have the most efficient army the country can provide; and while consulting the wishes and feelings of the people we must impress them with the conviction that it is from affection and kindness to them, not from fear, that any concessions are made to them.

Question, “That the word ‘now’ stand part of the Question.”

Put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read 3^d, and *passed*.

CUSTOMS ACTS.—THE MALT DUTY.

RESOLUTION.

Resolution 13 [6th March] (Malt Duty) *further considered*.

Motion made, and Question proposed, “That this House doth agree with the Committee in the said Resolution.”

SIR FITZROY KELLY rose to move that the Resolution, with respect to the

duty on the importation of Foreign Malt should be recommitted. The hon. and learned Gentleman said, that the main point then at issue was whether the duty on foreign malt should be 25s. or 26s. a quarter. He had to observe that that was not a question arising out of a treaty with France. This was a question in which France took no interest at all, for the French were not large manufacturers of malt. But whether it was a question arising upon the treaty, or a question of policy with Her Majesty’s Government, the result of the Resolution passed by the House of Commons would be the same. The point to be decided was whether, consistently with the principle adopted last night with reference to paper, the Government should add 3s. per quarter only to the Excise duty now payable on malt, or whether, in justice to the English maltster, they should not add 4s. per quarter. He would, however, first consider the relative positions of the English and the foreign producers. It was, he admitted, impossible to arrive at anything like certainty in a computation of the expenses of manufacture. [Hear!] He regretted to hear that cheer, because, if the questions were one of doubt—if it was impossible to arrive at any certainty with reference to what would be necessary to equalize the condition and satisfy the rights of both parties, surely upon this first experiment being made, taking into consideration the fact that it would affect so materially the price of beer—that single, solitary luxury of the poor man—it would become the Government to resolve that doubt in favour of the trade and of the poor labouring classes, who were so deeply, though indirectly, interested in the question. He would take the price of malt at 42s. per quarter. Then came the first difficulty—what were the expenses of the manufacture of barley into malt? He had endeavoured with his utmost ability to arrive at this expense, and he believed he could state it without exaggeration at 4s. per quarter; it ranged from 3s. to 4s. 6d., but the average was 4s. per quarter. The average cost of conveyance from the place of manufacture to the nearest market town—a charge which of course varied with the distance to be got over—he found to be 2s. 6d. per quarter. Adding these amounts—42s., 4s., and 2s. 6d.—together made 48s. 6d., and that, according to the best information he could obtain upon the subject, was the absolute cost of production to the English manufacturer irrespective of

duty. Now how stood the case with respect to the cost of production to the foreigner? He could safely say he was understating the figures when he said that the price of barley in Belgium, Denmark, Sweden, and the North of Germany was from 2s. to 3s. per quarter less than in this country. The difference in the cost of malting were striking; the price of labour for that purpose being in those countries scarcely one-half of what it would be in England. In no case did it exceed $2\frac{1}{2}$ francs, or 2s. per quarter. The cost of conveyance to this country was extremely moderate, not exceeding 1s. 6d. per quarter, and therefore, taking the primary cost of malt abroad at 40s., it could be imported into this country at 43s. 6d. per quarter. Quite independently of all duty, there was at least a difference of 5s. against the British manufacturer, so that the same article produced in England would cost at least 48s. 6d. Surely such a prodigious difference as this alone would induce Her Majesty's Government to determine the question of the shilling in favour of the British manufacturer. He then came to the question of duty, which, to avoid fractions, he would take at 22s. He had understood the right hon. Gentleman the Chancellor of the Exchequer to state that he proposed an additional duty of 3s. per quarter on foreign malt, principally from the consideration that, whereas the foreign importer was permitted to keep his malt in bond without paying duty, practically until he sold it, the English manufacturer had, in most cases, to pay the duty, even more than six months before he sold his malt, and therefore suffered a disadvantage to which the foreigner was not subjected. But beyond that there was this consideration, that whereas the foreign maltster had no Excise duty to pay at all, was liable to no restrictions or limitations in manufacture, might make large or small quantities at any time or in any season, might sell immediately or keep his malt in bond for six, nine, or even twelve months, and, in fact, might deal with it as he chose, export it at his pleasure without duty and free of expense; on the other hand the British manufacturer was exposed to a series of difficulties which, if not actually money, were money's worth, and really added to the value of the malt the entire amount—namely, 1s., which he (Sir FitzRoy Kelly) hoped to induce the right hon. Gentleman to add to his present proposition. But the paramount consideration was that in this country the duty

Sir FitzRoy Kelly

was paid long before the malt was sold, and it amounted to upwards of £2,000,000 per annum. He did not hesitate to call this a forced loan, under the law as it existed, by the maltster to the Government. It was a well known fact that it was during the winter months only, from November to April, that malt was permitted to be manufactured in England. Therefore, according to the short credit now given, the duty upon the whole would be paid, he would assume, on the 30th of June. But seven or eight months would frequently elapse before the maltster sold his malt. It was not simply the loss of interest, though that was something considerable, of which the maltster so much complained; but it was of the still greater loss caused by the want of capital which he could be employing in the extension of his trade, and the consequent reduction of annual profits. But there was this further point to which he desired to direct the attention of the right hon. Gentleman. Foreign barley actually paid the extra shilling per quarter. Why, then, should not foreign malt be similarly taxed? It seemed to be a most inconsistent variation, malt being only barley in another state. He was sure the Government could only desire to do what was just and fair. The question at issue was of no consequence whatever to foreign manufacturers of malt, but it was of the last importance, as he was informed, to the British producer. It should be recollected, moreover, that malt entered largely into the manufacture of beer, and as beer was the poor man's only luxury he hoped the Chancellor of the Exchequer would see that in the question of the duty upon foreign malt the labouring classes were almost as much interested as the British maltsters themselves.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the said Resolution be re-committed."

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, there were one or two points he really did not understand in the hon. and learned Gentleman's speech; for, having made a pathetic appeal in the interest of the poor man as the principal consumer of beer, he (Sir FitzRoy Kelly) had strangely enough from that fact deduced an argument in favour of raising the duty payable on the material from which beer was ma-

nufactured. Then another observation to which he had failed to discover the key was, that this was a question totally unimportant to the maltsters, not only of France, but of every other country abroad, and yet was at the same time of vital importance to English maltsters. For he could not understand how it was unimportant to those abroad unless their importations were few or none at all, which was really the fact; and, if so, it was impossible to show how it could affect the interests of the English maltsters. With respect to the French Treaty, the question lay in a very narrow compass. He apprehended that malt came distinctly within the treaty. At the same time it was open to the House of Commons to discuss the question raised by the hon. and learned Gentleman, provided they discussed it with reference exclusively to that addition which ought to be made to the import duty on account of Excise charges in this country. It was perfectly natural the hon. and learned Gentleman should feel an interest in a question like this, which was so important to his constituents; but he (the Chancellor of the Exchequer) believed that the maltsters of England were of opinion that they had nothing to dread from foreign competition. The trade was indigenous to this country; it was conducted on a large scale, with great skill and large capital; it was one thoroughly familiar to the habits of the people; and he did not believe that under any circumstances we should import any considerable quantity of malt from abroad. They had rather to satisfy the dictates of equity and justice in adjusting this duty, than to provide for any new considerations of trade. But he also believed that the maltsters were perfectly satisfied with the arrangement which the Government had made, and which the Committee had adopted. Of course he entertained the highest respect for the hon. and learned Gentleman, and admitted that he had large opportunities, considering the extent to which his constituents were interested in this trade, of obtaining information with respect to the various details involved in a discussion such as the present. But it should be borne in mind that Her Majesty's Government had still larger and more extensive opportunities of gaining such information. His hon. and learned Friend seemed to pride himself on an erroneous position when he took into his computation of the price at which the British maltster could bring his commodity to market as compared with the foreigner,

and when he appeared to leave it to the House to draw the conclusion that the difference of 5s. a quarter was a difference which they were bound to make good in the way of a surtax. If that were what he intended, he need hardly point out that it would be a revival of the doctrine of protection in its purest form; and if it were not what he intended, he was at a loss to conceive in what way that part of the argument was at all relative to the question. They had nothing whatever to do with the price at which the foreigner could get his barley, with the cost of manufacture, or with the carriage; they had only to consider what proportion of the cost to the British producer was due to the imposition of the Excise duty. He must, however, criticise the figures of his hon. and learned Friend when he said that there was greater charge for manufacture and for cost of carriage to the British maltster; that the foreigner could bring his malt into the market in this country at 1s. a quarter less than the Englishman who resided in this country. He (the Chancellor of the Exchequer) had thought that this country was celebrated at least for facility of carriage. The question, however, before the House did not admit of taking these elements into consideration, and, after having heard his hon. and learned Friend, he deprecated the further prosecution of this discussion in the interest of the British maltster, for he felt certain that if, under the influence, perhaps, of patriotic and creditable motives, the Government had committed an error, that error had been in asking Parliament to grant, under the name of surtax, a larger sum than the British maltster would be in strictness entitled to. If his hon. and learned Friend had been arguing the case against the British maltster, he should totally despair of convincing him that the British maltster had a claim to a surtax of anything like the amount that had been named. The elements to be taken into consideration were simple. There was the question how far the 1s. duty on foreign barley could be said to enhance the price of British barley. There was the question what advantage the British maltster was entitled to on account of the privilege of bonding possessed by the foreign importer; and the third and only other element on which they were justified in giving this surtax was, what was the positive cost to the maltster in England of the Excise regulations imposed for the necessary security of the revenue. He did

not think that they could enter on the disadvantage to the maltster of making his malt in six months to be consumed in twelve months, for it was not a consequence of the Excise duty that it regulated the seasons of the year. As to allowance on account of bonding, if the average length of bonding were taken at six months, and 5 per cent were allowed upon the duty for that time, there would be got no more towards the surtax than 6*d.* a quarter. If he were to assume that the duty on foreign barley added 1*s.* a quarter of cost to the maltster—though this was undoubtedly beyond the truth—there would be altogether no more than 1*s.* 6*d.* towards the surtax. As to the Excise regulations, how did that matter stand? The surtax was nearly 3*s.* 4*d.*; and 1*s.* 6*d.* having been accounted for there remained 1*s.* 10*d.* not accounted for. His hon. and learned Friend only stated the difference of manufacture between the Englishman and the foreigner at 2*s.* a quarter, and 1*s.* 10*d.* a quarter was allowed as surtax. His hon. and learned Friend, however, he was sure, would not think of saying that nearly the whole of this 2*s.* was due to the Excise duty. The truth was that in dealing with the French Government on the question of malt, they had done that which they could not have done in the case of spirits; they could not have sustained a surtax so considerable as that which they proposed. If the case of the British distiller were examined it would be seen how rigidly the Government had dealt with it on every point—how they had weighed in gold scales every statement the distiller made, how they had tested every item brought forward to make a surtax; and the maltster upon this examination would have very good reason to be satisfied with his position. The distiller paid the duty, and lay out of it for a very considerable time, so that the advantage to the maker of foreign brandy on this head was considerable, because he could bond. They had, as he had said, made the case more favourable to the British maltster than they could have done if they had an antagonist to satisfy upon the matter.

MAJOR WINDSOR PARKER could assure the House that if the British maltsters were satisfied the British farmers were anything but satisfied with the existing arrangements. They considered that they should share more fully the advantages of free trade, for they considered that the present tax fettered them in their trade.

The Chancellor of the Exchequer

It fettered them in supplying their labourers with a beverage which enabled them to compete in labour with the foreigner, and it fettered them in competing with the foreigner in fattening cattle. He believed that there were more than 400 petitions before the House complaining of the Treaty with France, and the way in which it had been carried out. They complained that in reducing the duty on wine no consideration was shown to the maltsters of this country. This question affected the great body of the people, who consumed beer, and he considered that he was pleading the cause of the man

“Who rising sees his work begun,
And ends it with the setting sun.”

To such men beer was a necessary of life. The country generally felt that the days of the malt tax were numbered, and there were many who would take every opportunity to enforce the abolition of the tax.

MR. BASS felt that the House would hardly bear with the discussion of this subject at length, or it would not be difficult to show that the maltsters and brewers had received rather hard measure at the hands of the Chancellor of the Exchequer. He had reduced the duty on every article that could compete with malt, and at the same time increased the tax on malt. The contraction of the credit was itself a very great drawback to the trade, and made a difference against his trade alone of £1,800 a year. Nothing could be more obvious to the negotiator, when he was reducing the duty on wine, to consider what articles were likely to be affected by that, and to make the best bargain he could on their behalf. But it did not appear that Mr. Cobden ever named the subject of beer to the French Government, though it was notorious that they would have made concessions on the subject in consideration of the competition that would be introduced by the admission of French wines. The Chancellor of the Exchequer underrated the difficulties with which the British maltster would have to contend in competition with the foreigner. The average price of barley during the last thirty-three years had been 33*s.* per quarter and the duty 21*s.* 8*d.* In many instances, including restrictions and the advantage taken by the Excise, the duty was brought up to 22*s.* 4*d.* per quarter. The Chancellor of the Exchequer had left this out of sight. The foreigner, who paid his own duty on his malt, could conduct his business with a capital of 33*s.*, while the British maltster had to pay 22*s.* in addition, and

the foreigner would thus be enabled to do as large a business with £33,000 of capital as the British maltster could with £55,000, and 1s. additional duty would make no adequate compensation for want of capital. It was said that we never imported foreign malt; but the fact was that we were daily importing barley from Hamburgh for malting, and he had that night sent a gentleman over there for the purpose. Malt-houses and labour could be got as cheap at Hamburgh as here, and doubtless British maltsters would now be led to establish malt-houses abroad, where they could carry on their operations free from Excise restrictions, and so this country would be deprived of the advantage its manufacture gave to the employment of a great amount of labour. The Chancellor of the Exchequer made a comparison between the maltster and distiller. The latter paid his duty before he sold his spirit; but it was six weeks before the maltster could put his stock into consumption, and it must be considered that malt must be made at the end of March for consumption until far into December, so we paid our duties six months before our malts were consumed, while the foreigner kept his at home or in warehouse until it was required for consumption in England. The Chancellor of the Exchequer ought to allow maltsters to make their malt in bond, and so put them on a footing with the foreign maltster, and he had miscalculated if he thought the trade would not receive a great extension abroad. He had seen foreign malt within the last few weeks that would bear comparison with any English malt. Many maltsters were apprehensive of the measure, and were persuaded that malt would be made abroad for a large portion of the London trade. It could only affect his business by bringing the foreigners to compete with him for barley in their own markets.

Question put,

The House *divided*:—Ayes 86; Noes 49: Majority 37.

Main Question put, and *agreed to*.

Bill *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. LAING.

THE STATUTE CRIMINAL LAW CONSOLIDATION BILLS.

WITHDRAWAL OF THE BILLS.

On Order of the Day for the House to be put into a Committee on the Offences Against the Person Bill,

THE SOLICITOR GENERAL rose to move the discharge of the Order for going into Committee on the group of measures of which this was one. They had been prepared with great care and deliberation; they were in themselves unobjectionable, and would effect a considerable improvement in our criminal law. At the same time the period of the Session at which these Bills were received from the other House, and the state of public business, rendered it impossible to proceed with them. It would be undesirable to pass one or two of these Bills, and it was quite obvious that to attempt to consider them all in Committee would be an inexcusable consumption of valuable time. It was the intention of the Government to bring them forward early in the ensuing Session in this House, and it would then be for the House to determine whether they should receive consideration in Committee of the Whole House or in a Select Committee. He therefore moved that the Order for going into Committee be discharged.

MR. EDWIN JAMES expressed his astonishment at the statement of the Solicitor General after the statement yesterday by the Attorney General of the intention of the Government to proceed with these Bills in the present Session. Thousands of pounds had been expended on the Statute Law Commission, and it would be a disappointment to the public to find that the announcement in Her Majesty's Speech, that the criminal law would be amended, would not be realized.

SIR FITZROY KELLY also expressed his disappointment and regret at hearing that those Bills were to be abandoned this Session. He, however, hoped that they would be re-introduced early next Session, for he looked upon them as calculated to make a great improvement in the criminal law.

MR. MALINS likewise expressed his sorrow at the necessity which existed for the withdrawal of those Bills. He trusted that they would not have the same farce enacted in regard to those Bills next Session as had been performed this Session. They had involved an immense expense of money and time, and it was not creditable to the Government to keep them so long on the Paper, if they did not see something like a certainty of passing them into a law. He thought it would be desirable to refer the Bills to a Select Committee up stairs.

VISCOUNT PALMERSTON said, that it was with great regret the Government had

concurred in the Motion which had just been made. He was in hopes until very lately that the House would be induced to take these Bills, trusting to the labours of the Lords' Committee and the Statute Law Commission. But there did not appear to be any inclination to adopt that course. On looking more attentively to the Bills he found that, although generally they were Consolidation Bills, there were alterations in the law proposed which would require separate consideration. It was obvious that at that period of the Session Bills of this length could not be got through in a satisfactory manner, and there appeared to be no alternative but to postpone them until the next Session of Parliament. Whether they should be referred to a Select Committee to perform the same functions which had been performed by the Lords' Committee, or whether the House would find time to dispose of them in Committee of the Whole House, remained to be considered, but the Government had no intention of abandoning the principle of consolidation. He thought it of the utmost importance that a matter upon which a great amount of money, time, and labour had been expended should be brought to some result, but, having determined to withdraw the Bills, he thought the Government had done right to announce their decision as soon as possible to the House.

MR. DEEDS thought it would be advisable for the Government to take up such measures at the earliest possible period of the Session in order to give them a fair chance of being passed into a law.

Order discharged.

Bill withdrawn.

House adjourned at a Quarter
after One o'clock.

HOUSE OF COMMONS,

Wednesday, August 8, 1860.

MINUTES.] PUBLIC BILLS.—1^o Conjugal Rights (Scotland); New Zealand; Customs (No. 2).

UNION OF BENEFICES BILL. COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Contiguous Benefices in a City, Town, or Borough may be united).

MR. DARBY GRIFFITH said, he really could not suffer the Bill to be proceeded

Viscount Palmerston

with without expressing a hope that the clauses would not be got through with such rapidity as those of other recent Bills. He saw no one on the Treasury bench who had charge of the Bill, and therefore he felt disposed to move that the Chairman report progress and ask leave to sit again.

MR. E. P. BOUVERIE said, he had charge of the Bill, and was prepared to answer any objection which might be made to particular portions of it. The Bill had undergone considerable discussion in the other House, and he was not aware that there was any objection to its principle, which, indeed, had already been sanctioned by Parliament. An Act was passed five years before with a similar object, but it would expire in a few weeks, and in fact, owing to certain restrictions which were introduced into it, had never been operative. The Bill before the Committee was one of considerable importance, and he trusted the Committee would not assent to the somewhat unreasonable proposition of the hon. Member for Devon.

MR. JOHN LOCKE said, he agreed with the right hon. Gentleman (Mr. Bouverie) that the Bill was one of considerable importance, for it swept away twenty or thirty churches in the City of London, and proposed to remove the bones of the deceased. Nobody on the Ministerial bench seemed to know or care anything about it; the Members for the City, some of whom he observed in their places, declined to speak upon it, and it was left to the right hon. Member for Kilmarnock to declare himself the author of it. [MR. E. P. BOUVERIE.—I am not the author of the Bill.] He wished to know, then, who was the author of it. It had been introduced into that House under the most peculiar and extraordinary circumstances. It did not apply in any way to Kilmarnock. The statement that there were too many churches in the City of London must be taken *cum grano*. If clergymen were appointed who could not preach, of course people would not go to hear them, but he saw no reason why, if popular preachers were put into the City churches, those churches should not be attended by the inhabitants of the Tower Hamlets and other adjoining districts. The proposition now was that all the churches in the City should be taken down. [MR. E. P. BOUVERIE.—No, not all.] Not all, certainly; the right hon. Gentleman would probably leave St. Paul's, but the House had no

pledge that such a church as St. Stephen's Walbrook, was not to be pulled down. [Mr. E. P. BOUVERIE.—No church can be taken down without the assent of the inhabitants.] The assent of the inhabitants might be obtained for the destruction of all the churches in the City. He was prepared, however, to discuss the clauses of the Bill; he only regretted that it should have been introduced under such peculiar and extraordinary circumstances.

Mr. CRAWFORD said, that the Bill had been brought into the House of Lords by the Bishop of London, and when sent down to that House had been put into the hands of the right hon. Member for Kilmarnock. Surely then it would be most ungracious if he were to come forward to take the conduct of the Bill out of the hands of the right hon. Gentleman. There were five cities to which the Bill applied, and there was no special reason why it should be placed in the care of a Metropolitan Member. He hoped, then, the House would go on with the discussion on the merits of the Bill.

Mr. AYRTON said, he regretted that the right hon. Member for Kilmarnock had not introduced the Bill to the notice of the House with some observations explanatory of its object. There could be no doubt that the Bill had been brought forward by the Bishop of London for the purpose of promoting the interests of religion in the Metropolis, and that the right hon. Gentleman had taken charge of it in his quasi-official capacity as one of the Ecclesiastical Commissioners. Indeed, he thought it rather to the advantage of the Bill that it had not been entrusted to a Metropolitan Member, as it might have been alleged that he was influenced by local considerations. The House was aware that most of the City churches were destroyed in the Great Fire of London. The House of Commons of that day, in considering how they could be restored, did not feel itself trammelled by the question whether or not the bones of persons buried 100 years before should be removed, but entered at once into an enlightened examination of the whole matter, and passed statutes to meet the exigencies of the case. It granted a tax upon all the coals consumed in and around the Metropolis, and the funds thence derived were appropriated to the erection and endowment of new churches in parishes set out for the convenience of the inhabitants. Since then the character of the City had entirely changed. Parishes

then inhabited by merchants and those whom they employed, had become deserted. Business was conducted in them on week days, but the houses, or rather offices, were not occupied at all on Sundays. The people employed in the City, dwelling in other parts of the town, naturally attended the churches in the places where they resided, and the churches in the City were quite useless. In many cases the congregation on a Sunday did not number more than ten individuals; sometimes it was reduced to the clergyman and the official staff of the church. But a considerable revenue was enjoyed by the clergyman and staff, and thus a great deal of money, time, and religious effort was wasted upon the air, serving no useful purpose whatever. The state of things he had described had been going on increasing from year to year, becoming more and more aggravated, until at last the late Bishop of London, seeing in the City a number of empty churches, and well-paid clergymen performing little or no duty, thought that an excellent arrangement would be made if those incumbents and their churches could be removed to the districts inhabited by the persons employed in the City on week days. Accordingly, the right rev. Prelate introduced a Bill for making the City churches and their large revenues really available for the purposes of religion, instead of serving merely as sinecure preferments. The Bill passed both Houses, and became law, but unfortunately it was not a workable measure, and would expire in the present month. Some time ago the Metropolitan clergy appointed a Committee of their own body to consider the subject, and that Committee, after a long and careful examination, unanimously admitted that the present state of things was injurious to the interests of religion, and recommended that some change should be made. The result was that they made a report to the Bishop of London, containing various suggestions. These not being altogether approved, the matter was reconsidered, and a further report, being a great improvement on the first, was presented. The subject was thus distinctly brought under the notice of the Bishop of London, and of all in the Metropolis who took an interest in the subject, and he believed that there was an unanimity of opinion that the present state of things was most injurious and objectionable. Therefore the only question remaining was how could a remedy be best applied to the existing grievances and

abuse. Some objection was taken to the removal of the bones of the buried, but he hoped the House would be rational enough to prefer the souls of the living to the bones of the dead. Was it to go forth that the House would not permit the removal of churches and churchyards in order to promote the interests of religion, but would assent to their removal in order to aid some commercial project? It was most desirable for the real interest of the Church that the resources of the Church should be available for the benefit of the poor, and not merely for the advantage of some gentlemen coming from the Universities and put into these sinecure livings for the sake of the income.

MR. ALDERMAN CUBITT said, that a few years back it was thought desirable by four or five parishes in the City of London that a union should be effected whereby some churches might be removed, and especially one which constituted a great obstruction to the traffic. The parishes memorialized the Bishop of London, who appointed a commission to investigate the matter. The commission experienced obstacles which could only be removed by an application to Parliament for further powers, and this led to the introduction of the present Bill. It was obvious that there were more churches than were required by the thin population remaining in the City on Sundays. Four churches stood within an area not larger than Belgrave Square, and within a space of little more than half a square mile there were fifty-eight churches.

MR. HUBBARD observed, that the hon. Member for the Tower Hamlets (Mr. Ayrton), had described the present Bill as the successor of the Bill of 1855; but it ought rather to have been described as the successor of the Bill of 1854, which was rejected on account of the arbitrary powers it would have conferred. He was strongly interested in the subject, and in 1854 he took a very active part out of the House in opposing the Bill. The feeling against the Bill of 1854 was almost universal, and yet the measure before the Committee contained the same large powers. Though it was said that the principle of the Bill had been admitted on the second reading, yet it must be recollected that the second reading was passed at so late a period as a quarter to one o'clock, and in such a hurried manner that he was not at first aware that the second reading had been agreed to. The principle of the Bill required

Mr. Ayrton

more explanation than the House had yet been favoured with. If the object was to deal with a specific case, why was a Bill with such large prospective powers brought in? Why was it not limited to the particular group of parishes referred to by the hon. Member (Alderman Cubitt)? If that had been done, the House would have had an opportunity of seeing how the measure worked, and might afterwards have agreed to a more general measure. But at present the House was in the dark on the subject. He did not deny that there were in the City of London more churches than were wanted; but, as a desire to promote the interests of religion was professed, he would make it a stipulation that if a church were pulled down in the City of London another should be built up somewhere else. Admitting that something ought to be done, he thought that the present measure went in its magnitude beyond the necessity of the case; and, as for agreeing to the Bill on credit, because it had passed the House of Lords, he must say that, knowing that the attendance of the Peers was sometimes very thin, he had not entire faith in Bills coming from that assembly.

MR. E. P. BOUVERIE explained that the reason why he made no statement on the second reading of the Bill was because he desired to save time, thinking that what hon. Members chiefly desired was to discuss the details in Committee. None of the Amendments which had been given notice of up to that time were hostile to the principle of the Bill, and therefore he naturally concluded that there was no objection to the principle. Nearly the whole of those Amendments he had adopted. Even now he was satisfied that on the part of those who knew the object of the Bill there could be no substantial opposition. It was undeniable that there was a plethora of churches in the City of London, there being there fifty churches to a population of about 50,000, while in other parts of the Metropolis there was an enormous population without adequate provision for spiritual instruction and divine worship. What could be a more natural conclusion than that the means of spiritual instruction and the churches should be taken from the spot where they were not wanted and placed where they were wanted? The attendance at some of the City churches did not exceed twenty or thirty persons, including the parochial schools. Indeed, many of these parishes might be said to have no

population at all on Sundays, the dwelling-houses being now turned into warehouses. In four of the large parishes immediately adjoining the City, Shoreditch, White-chapel, Clerkenwell and St. Lukes, with an aggregate population of 307,000, there were only twenty-nine churches. In the City there was more than one Church for every 1,000 inhabitants, while in the four parishes he had named, there was not one church for every 10,000 persons. In the report of the Commission upon the Division of Parishes which had investigated this subject, the removal of a number of churches in the City of London was recommended. The case for the Bill, or for some such Bill, was unanswerable, though the details might require consideration, and he would promise to endeavour to meet all suggestions in a fair spirit.

SIR WILLIAM JOLLIFFE said, he was not opposed to the principle of the Bill, because he had long believed some such measure to be necessary, but he objected to the manner in which other places than London were attempted to be dealt with. He thought the 3rd Clause was most objectionable, and had been inserted in order to procure for the Ecclesiastical Commissioners very objectionable powers that might afterwards be used all over the country. They had had ample evidence with respect to London, but they had been furnished with no reasons for including Exeter, Lincoln, Norwich, and the other places affected by the Bill. He therefore proposed that the Bill should be restricted to the Metropolis only.

Motion negatived.

MR. MALINS proposed an Amendment to the clause, having for its object to limit the operation of the Bill to the Metropolis.

MR. E. P. BOUVERIE expressed his willingness to assent to the principle of the Amendment, and promised, after due consideration, to propose alterations for the purpose of effecting the object in view.

Amendment withdrawn.

MR. HENLEY: It is understood, then, that the Bill is confined to the Metropolis?

MR. E. P. BOUVERIE: Yes.

Clause agreed to.

Clause 2 (Interpretation Clause).

MR. MALINS said, that as it was stated that the Bill was founded on the Report of a Commission appointed by the Bishop of London, the House ought to know the contents of that Report; because, if churches were to be pulled down, it

was desirable to be assured that the right churches would be pulled down. He agreed in the principle of the Bill, but the principle was one thing and the details another. It was essential that whatever was done should be well done. If a measure was introduced into that House so crudely considered that its promoters were obliged to exclude from its operation certain places (four in number) which were originally included in the measure, what confidence could there be that the promoters were right with respect to the particular course to be taken in the fifth place still retained in the Bill? To the principle of the Bill, when well carried out, he would give his cordial support, but he would not be driven into passing a Bill at the end of the Session without due consideration. It was true that the Bill had come down from the House of Lords, but he knew by experience that sometimes the crudest measures came down from that assembly; and he was told that the present Bill was almost smuggled through the House of Lords. He moved that the Chairman leave the chair.

MR. AYRTON observed that the remarks of the hon. and learned Gentleman were very inconsistent, for while approving the principle of the Bill, he objected to the measure on the ground that there was no scheme before the House; and yet the Bill proceeded on the principle that there could be no scheme at present, because the union of benefices could not be effected until after the Ecclesiastical Commissioners had reported to the Queen in Council. The Bill gave an opportunity for everybody interested to be heard, allowing nothing to be done till after ample discussion, and he therefore hoped the Committee would proceed to a consideration of the clauses.

MR. CRAWFORD pointed out that the Bill proposed no specific scheme, but merely empowered the Bishop to appoint a commission, by whom a scheme would be propounded for the consideration and approval of Her Majesty in Council. Every precaution had been taken that the interests of all parties should be duly protected.

MR. HENLEY said, he could not agree that all parties had full power to be heard. The Bishop without communication with any one but his own mere will, could issue a commission, which was to be composed of three ecclesiastics, and two laymen. The ecclesiastics were to be appointed, one by the Dean of the Church, two by the Bishop, it

and the laymen by the Corporation, but the inhabitants of the parishes, who were the persons most affected, were not represented at all. He did not see that provision was made for giving notice to anybody but the churchwardens. Plainly there ought to be some notice given to the inhabitants.

SIR GEORGE LEWIS said, the Motion before the House was equivalent to the rejection of the Bill, and until the question was settled he thought it unnecessary to enter on the examination of particular clauses. He suggested, therefore, that the Committee should at once decide whether the Bill should be proceeded with. It was now settled that the measure should be limited only to the Metropolis, and should not extend to other places; and it was further proposed that no attempt should be made in Committee to devise a scheme, but that a machinery should be created by which a scheme with regard to any particular parish should be submitted to the Queen in Council, and, if approved should ultimately have the effect of law by means of an order in Council.

MR. MALINS said, he did not wish needlessly to obstruct the business of the House, but if he received support he should divide on his Motion.

LORD JOHN MANNERS said, he thought the House had already decided on the principle of the Bill, and he hoped, therefore, his hon. and learned Friend would not press his Motion.

MR. DARBY GRIFFITH objected to the machinery of the Bill, which he compared to a Reform Bill containing a general disfranchisement clause, but no schedule of disfranchisement.

SIR JAMES GRAHAM said, that time was very precious, and he was convinced that they would save time by deciding whether the Bill should proceed or not. He hoped the Committee would determine on proceeding with the Bill.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee divided:—Ayes 16; Noes 76: Majority 60.

Clause agreed to; as were also Clauses 3 to 6.

Clause 7 (Bishop to prepare and transmit Proposals for a Scheme to Churchwardens and Vestry).

MR. HADFIELD said, he wanted to know what was meant by "spiritual destitution," as the words were used in the Bill?

MR. BOUVERIE said, that he could only give his individual opinion that spiritual destitution meant the absence of provision for religious instruction of any kind.

MR. HADFIELD asked whether it was to be considered that where there were such clergymen as Mr. Binney, who drew large congregations, spiritual destitution existed? He supposed the Bishop would consider there was spiritual destitution where there were no churches. The Dissenters, who were the majority of the people, were, so far as religious teaching was concerned, entirely ignored.

SIR MORTON PETO said, he thought there should be some check upon the action of the Bishop, because, although there were members of the episcopal bench in whom he should have every confidence, even members of the Establishment must feel that that could not be said of other Prelates.

MR. E. P. BOUVERIE said, there were ample safeguards in the Bill, in the inquiry to be instituted by the Commission, the scheme which they would draw up, and the assent of the Queen in Council, which was necessary before the scheme could be acted upon.

LORD JOHN MANNERS said, he would remind the hon. Member for Sheffield (Mr. Hadfield) that the Bill did not relate to the building of churches, but to the removal of churches. If the chapels were as full as was described, it was the more necessary that other accommodation should be provided.

MR. JOHN LOCKE said, he thought it was a strange plan to provide for spiritual destitution by pulling down churches. Surely some attempt might have been made by the Bishop to find clergymen whose preaching would attract congregations to the churches. If Mr. Spurgeon at Exeter Hall, and Church ministers at St. Paul's attracted full congregations, why should not these City churches be also filled?

MR. ALDERMAN CUBITT said, the Bishop of London had spoken to him upon the subject of the neglected churches in the City, and had said that if the right men were in the churches there would soon be full congregations. But there were 58 churches, and it would be impossible to find 58 Spurgeons to fill them.

MR. JOHN LOCKE rejoined, that not 50 merely, but 500 clergymen of the Church of England could be found, whose

ministrations would bring full congregations. The churches at the same time should be made less dismal, and the vast enclosed pews which disfigured them should be removed.

LORD JOHN MANNERS said, he agreed with the hon. and learned Member for Southwark in disliking the enclosed pews in the City churches, and he had intended to propose an Amendment to get rid of them, to which he believed there would be no opposition on the part of those who had the management of the Bill.

MR. AYRTON was informed that, so far from the Dissenting chapels in the City being thronged the fact was just the reverse; that those chapels had been subject to the same influence as had affected the City churches. Although two Dissenting chapels, the pulpits of which were occupied by distinguished men, were fully attended, yet many others had been abandoned and turned into warehouses, in consequence of the falling off of the congregation.

SIR MORTON PETO said, he could give the most unqualified contradiction to the statement of the hon. Member. No man knew more of the Dissenting chapels in the City than he did, and he could state that there was no instance of a chapel having been closed, except for the purpose of building a larger one. The Church of England ought to feel that when her clergy did not draw a congregation that there was something wrong; and he was certain that if zealous men were appointed to the City churches there would be no necessity for pulling them down. If the Church, however, must give up those churches, he wished they would hand them over to the Dissenters, who would soon show what use could be made of them.

SIR GEORGE LEWIS said, there appeared an irresistible tendency on the part of the Committee to renew the discussion upon the principle of the measure. There might be chapels in the City where popular preachers attracted large congregations, but the Committee must take things as they found them. The population of the City was 55,000, and there were 58 churches, a proportion very different to that which existed in other parts of the Metropolis. Where, as in the City, the patronage was exercised by various persons, they would exercise it according to the various motives which operated in such cases. No doubt, the appointments thus made did not invariably produce popular preachers,

and indeed it would be quite chimerical to expect that there should be 58 popular preachers in the City. The result was, that the City churches were, for the most part, nearly empty, and that was a state of things which this Bill was intended to remedy.

MR. ALDERMAN COPELAND said, he quite agreed that something ought to be done, but doubted whether the subject could be properly considered at that late period of the Session. He did not approve the matter being left entirely to the Ecclesiastical Commissioners.

MR. HANKEY said, he owned a house in one of the City parishes, in which, being let out for offices, no one lived. There were about 100 other houses in that parish, and many of them were in the same position. There was an excellent church, but there being no residents, it was always nearly empty. He thought in such cases the church should be removed from where it was not wanted to a place where it was needed.

Clause *agreed to*, as was also Clause 8.

Clause 9 (What the Commissioners shall insert in the Scheme).

LORD JOHN MANNERS expressed his disapproval of the Ecclesiastical Commissioners as the body to whom the management of unions under the Bill was to be entrusted. If the ultimate power must be invested in some body, he should prefer the Governors of Queen Anne's Bounty, and he should move to substitute that body for the Ecclesiastical Commissioners.

MR. E. P. BOUVERIE opposed the Amendment, contending that the Ecclesiastical Commissioners discharged their onerous duties in a very satisfactory manner. He denied that the Ecclesiastical Commission was some frightful monster which was swallowing up all the property of the country, as was apparently imagined by hon. Members. On the contrary, there was scarcely a meeting held at which they had not important duties to perform by them in connection with the Church Building Commission, and they were bound to study great economy in the appropriation of the funds. So far as he could see, the Governors of Queen Anne's Bounty consisted only of a secretary and a couple of clerks—at least, all the powers of the association were vested in them, and he thought that they were a body not at all fitted to exercise the powers of the Ecclesiastical Commissioners. He could assure the Committee that the Ecclesiastical Com-

missioners wanted no increase of power. Indeed, the duties under the Bill would be simply Ministerial.

LORD JOHN MANNERS said, the clause gave great powers to the Ecclesiastical Commissioners, as they were to prepare and modify each scheme.

SIR GEORGE LEWIS said, that the scheme would be submitted to the Queen in Council, and the Council would have a power of veto. He saw no benefit in substituting the very numerous body of the Governors of Queen Anne's Bounty for the Ecclesiastical Commissioners.

MR. SELWYN said, he should support the Amendment, because he considered vesting all the power of disposing of the sites and materials of churches in so limited a body as the Ecclesiastical Commissioners was an extension of the principle of centralization, which had been generally condemned. He would rather see that power vested in a local authority, such as a Municipal Corporation. If, however, it was a choice between the Ecclesiastical Commissioners and the Governors of Queen Anne's Bounty, he should support the Amendment of the noble Lord.

MR. AYRTON said, he had strong objections to the Ecclesiastical Commissioners; but they appeared to be at present the only persons who could properly perform the functions that would be assigned under this Bill.

MR. DARBY GRIFFITH said, he would prefer to substitute the Estates Committee of the Ecclesiastical Commissioners.

MR. E. P. BOUVERIE said, the functions of the Church Building Commission had been transferred to the Ecclesiastical Commission by Act of Parliament, and it was in that capacity, not as Ecclesiastical Commissioners, they were to be called on to discharge this duty.

LORD JOHN MANNERS observed, that whenever a Bill was introduced increasing the power and patronage of the Ecclesiastical Commission, the members of that Commission in the House were sure to rise and say that such increase of power was the last thing they wished to have; but they invariably voted for it nevertheless, and he ventured to say that every Ecclesiastical Commissioner in the House would vote for the increased powers now proposed. A great portion of the Bill related to matters germane to the duties of Queen Anne's Bounty, and could be properly discharged by that Board. The

Mr. E. P. Bouverie

Home Secretary told them that Queen Anne's Bounty Commission was much too large; but the right hon. Member for Kilmarnock said it consisted of the secretary and a couple of clerks. The Corporation of the City of London were members of the Board; and, therefore, he thought it would be a most fitting tribunal for the discharge of the functions laid down in the Bill.

Amendment, by leave, *withdrawn*.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee divided—Ayes 73; Noes 39: Majority 34.

Clause *agreed to*, as was also Clause 10.

Clause 11 (Surplus Revenue of united Benefice may be annexed as an Endowment to any other Benefice in same City, Town, or Borough, or in the Vicinity).

MR. HENLEY said, he objected to the power given to the Ecclesiastical Commissioners in the case of two benefices being joined together, and when they conceived that the united income was more than sufficient in their opinion for one benefice, to take away the excess of revenue altogether. He should move that the vestries and parishes should first be consulted on the matter as well as the patrons.

MR. E. P. BOUVERIE said, he would agree to the suggestion of the right hon. Gentleman; and the words having been added,

Clause *agreed to*, as was also Clause 12.

Clause 13 (Orders in Council when published in the Gazette and registered to have Force of Law).

MR. DARBY GRIFFITH moved as an Amendment the insertion of words to the effect that every scheme for the removal of a church should lie on the table of both Houses of Parliament for two calendar months before being carried into effect.

SIR GEORGE LEWIS said, it was useless to provide machinery for carrying out the objects of the Bill, and then, after all, provide for the interference of the House. The very object of such machinery was to obviate the necessity of Parliamentary interference.

Proviso *negatived*. Clause *agreed to*.

Clause 14 (Scheme may provide for Erection of new Church or Parsonage, Removal of old Church or Parsonage, Sale of Site, &c.).

MR. HENLEY said, that there was a provision against burial grounds being dealt with under this Bill; but why burial grounds were to be preserved, and persons

buried in churches were to be dug up, he could not imagine. The hon. Member (Mr. Ayrton) had classified persons who had had the misfortune to die before him under the general head of "bones." He believed that this was a question of money and nothing else. It was not a case of necessity in which the site was wanted for public improvements, while by removing the remains of the dead they were running the risk of offending the feelings of a vast number of persons. He should move, at the end of the 31st line, after the word "site" to add the words, "of any church in which there have been any interments or deposits of bones in the graves and vaults of the said church."

THE CHAIRMAN intimated that there was a prior Amendment on the clause.

MR. CAVENDISH BENTINCK said, that the City of London was distinguished by a great number of beautiful churches, many by Sir Christopher Wren, which were models of the sacred edifices required for the Reformed ritual. There were four churches more especially distinguished by their architectural beauty—St. Stephen, Walbrook; St. Martin, Ludgate; St. Peter, Cornhill; and St. Swithin, Cannon Street. It was said that sufficient protection existed against the destruction of these churches in consequence of the number of consents required. He, however, had no great confidence either in vestries or churchwardens, and was not content to run any risk about these churches. St. Peter, Cornhill, for example, stood very near St. Michael, Cornhill, on which enormous sums had been spent for its disfigurement. The churchwardens said it had been expended in repairing and beautifying the church, but he called it barbarizing and abominating. They had stopped out the light from the windows, and filled the windows with horrible painted glass like that in the House of Lords. He begged, therefore, to propose an addition to the clause, which, he might remark, had the sanction of the Institute of British Architects—namely, to insert, after the word "church," in line 30, Clause 14, the words "except as hereinafter provided," with the view of moving at the end of the clause to add—

"Provided always that nothing in this Act contained shall authorize the pulling down the churches of St. Stephen, Walbrook; St. Martin, Ludgate; St. Peter, Cornhill, and St. Swithin, Cannon Street; or the towers and steeples of any of the churches within the City of London, and specified in the Schedule (B) to this Act annexed."

MR. E. P. BOUVERIE said, that the hon. Gentleman asked the House to decide as a Committee of Taste what churches in the Metropolis ought to be preserved. There was no necessity for introducing the limitation and restrictions proposed by the hon. Gentleman, for it was not to be supposed the various persons whose consent was necessary to the removal of a church would agree to the destruction of the churches recited by the Amendment. Moreover, he (Mr. E. P. Bouverie) was not sure that these were the four churches that ought to be more especially named in an Act of Parliament. The clause was, at all events, liable to the objection, that it seemed to infer that all the other churches of the Metropolis might be removed.

MR. NORRIS said, he objected *in toto* to the provisions of the Bill, and he would express a hope that the right hon. Member for Kilmarnock would withdraw it altogether, and try some better means of providing for the promotion of true religion. It was folly to suppose that any large amount of money would be obtained from the sale of the sites of even all the fifty-eight Metropolitan churches proposed to be removed. In truth, the Bill applied a remedy in the wrong direction; for if, instead of removing the churches from the population, something were done to improve their patronage and put in the pulpits men of fervid eloquence who would fill the churches, it would not be necessary to pull them down.

SIR GEORGE LEWIS said, that this Bill would have a peculiar fate if it escaped a proposal either to postpone it indefinitely, or to withdraw it for the present Session. If the proposal to except certain churches celebrated for their architectural excellence were adopted, the principle of the Bill, which left the arrangements and details of the churches to be removed to the persons named in it, would be violated. He agreed also with his right hon. Friend that to except four churches would be a declaration that all the other churches might be demolished—an opinion which the House ought to be careful not to express.

MR. MALINS said, he thought that the Committee ought to have a scheme before it, setting forth what parishes were to be united, and what churches were to be pulled down. The proposal that four of the most beautiful churches in London should not be destroyed was most reasonable. They were all agreed that there

were too many churches in the Metropolis, and that some ought to be pulled down; but let the Committee know which they were.

MR. DARBY GRIFFITH said, he could not seriously believe that the House of Commons would consent to destroy churches some of which were perhaps more unique in design and beautiful in detail than St. Paul's cathedral itself.

LORD JOHN MANNERS observed that he regarded his hon. Friend (Mr. C. Bentinck) in all matters relating to Gothic architecture as nothing but a Vandal. The Committee would do well, however, to agree to the Amendment.

MR. BERNAL OSBORNE said, that the discussion on taste that had sprung up was another reason for withdrawing the Bill. The right hon. Gentleman (Mr. Henley) was very angry with the hon. Member for the Tower Hamlets for speaking of the remains of deceased persons as "bones." But was there not an old proverb, *De mortuis nil nisi bonum?* He had, however, as little faith in the discretion of the Ecclesiastical Commissioners as he had in that of parish churchwardens, and he believed they would be perfectly ready to pull down St. Stephen's, Walbrook, tomorrow if they thought that by doing so they would put money into their pockets.

SIR GEORGE LEWIS said, he wished to remind the Committee that to refuse to pass this Bill on account of the lateness of the Session would be to give some countenance to the existence of that very unreasonable and inconvenient rule of the House of Lords, that they would not take any Bill after the 28th of July, which this year was likely to be about six weeks before the end of the Session. The Committee had agreed to the 13th Clause, which said that nothing should be done in regard to the destruction of churches without an Order in Council. Was it likely that the Queen in Council would issue an Order for the demolition of St. Stephen's, Walbrook, or any church celebrated for its architecture?

MR. CLAY said, that no doubt it was improbable that the four best churches in the City would be pulled down, but it was the duty of Parliament to render it impossible.

SIR JOHN SHELLEY said, he looked with dread at the possibility of the demolition of these beautiful churches. The Bill had better be withdrawn. It ought to have been sent down at an earlier pe-

riod. He felt a strong objection to the regulation which the other House had adopted relative to Bills sent up to them after a certain date; and the only way to teach their Lordships common sense would be to return the compliment, and to refuse to entertain Bills sent from the other House after a certain day.

SIR GEORGE LEWIS said, he would remind the hon. Gentleman that the Bill was sent down from the other House on the 18th of June.

MR. E. P. BOUVERIE said, he had wondered what had made his hon. Friend (Mr. B. Osborne) interfere in this Bill, but when he heard his joke his surprise was at an end. It was only just and courteous to the distinguished Prelate who was labouring so zealously for the welfare of his diocese to go on with this Bill. He was ready to accept the Amendment.

Amendment agreed to.

MR. HENLEY said, he would then propose the addition to the clause he had referred to.

MR. CLAY remarked that the provisions of the Bill did not give power to persons to remove the coffins of their deceased relatives.

MR. E. P. BOUVERIE said, he intended to deal with that question in a subsequent clause. He believed, however, there was not a single church in the City in which some interment within the walls had not taken place. The Amendment of the right hon. Member for Oxfordshire would, therefore, prohibit the pulling down of any one of the existing churches.

MR. HENLEY explained that the object of his Amendment was to prevent the sale of the site where there were graves or vaults under the church; he did not object to the church itself being taken down, if necessary. He simply desired that they should not desecrate the graves where the dead reposed by digging up their remains.

MR. E. P. BOUVERIE said, that the sale of the sites was an essential element in the scheme, as it would form one of the sources from which funds would be obtained. He could see no breach of decorum or irreverence in the sale of the sites. Provision for the spiritual wants of the living far transcended any sentimental feeling as to the remains of the dead. The Bill provided for the careful and decorous removal of the remains of persons buried in any of the sites which were to be sold to some other destination, and he was sur-

prised that a man of plain common sense, like the right hon. Gentleman, should allow a mere sentimental feeling to run away with him.

MR. CLAY said, he must protest against the light manner in which the right hon. Gentleman (Mr. Bouverie) treated the question, though he would admit there would be less force in the objection to the Bill if it contained some distinct provision for the decent and proper interment of those bodies which might be removed. He spoke with some interest in the matter, because his father and mother and all his ancestors were buried under the site of one of these churches.

MR. E. P. BOUVERIE said, that in Clause 16 he proposed to insert words giving the friends of the deceased power to remove their remains to any place they thought proper, at the expense of the fund.

SIR MORTON PETO said, he thought that the provision which he intended to propose, and by which an opportunity would be given to Dissenting denominations to purchase the buildings abandoned by the church, would prevent the desecration which the right hon. Gentleman (Mr. Henley) apprehended.

MR. HENLEY said, that what the right hon. Gentleman (Mr. Bouverie) was pleased to call a mere sentimental feeling was shared by the great bulk of the people of this country, from the highest to the lowest. A very large proportion of the population elected to be buried in consecrated ground because they believed their remains would be less likely to be disturbed there than anywhere else. The shock which the sale of the sites would give to the feelings of many people would do more harm than the money they would get by the sale of the sites would do good. The Bill did not interfere with the burial-grounds, but that was only because there were sanitary reasons for not disturbing the mass of bodies which were there interred; and because they could not get hold of the larger areas they seized upon the smaller ones—the sites of the churches, and for the sake of a little more money scattered the remains which were buried there.

MR. HADFIELD repudiated the idea of one spot being more sacred than another. What did the act of consecration signify? He knew a case where it was effected by a stroke of the pen in one hand, while the other held a riding-whip.

SIR GEORGE LEWIS said, he apprehended that if the Amendment were carried it would go far to defeat the object of the Bill. If the sites of the churches were not to be appropriated to secular purposes it would be nearly impossible to carry the Bill into effect with any prospect of success. Without going the length of the hon. Member for Sheffield (Mr. Hadfield) as to consecration, he might remind the Committee that there had been several instances in the City where the sites of churches had been secularized. A portion of the Bank of England stood on the site of a former church; and the same might be said of the Sun Fire Office, one of the approaches to London Bridge, and a part of St. Katherine's Docks. The principle had therefore been already established in the City, and might well be carried a little further.

MR. HUBBARD said, he hoped that the instinctive sentiment of reverence for the remains of the dead which existed in all countries and in all ages would never be disregarded in an assembly of English gentlemen. It ought not, however, to be carried to an absurd extreme. Where the convenience of the community required the removal of a church, as in the formation of a street or the erection of a bridge or important public work, it ought to be permitted; but he protested against the site of a church being disposed of for the mere sake of obtaining money. He must, however, protest against the pulling down of the churches and the selling of the sites, as it was neither a creditable nor a successful mode of promoting church extension.

MR. AYRTON said, he demurred to the assertion that reverence for the remains of the dead had prevailed in all ages. The ancients burnt their dead. The hon. Gentleman who had just spoken seemed to think that the sale of the site of a church was a desecration only when a religious and not a commercial object was in view. He believed that the Bill made ample provision for the decorous treatment of the remains of the dead, and the proposition before the Committee was only a side wind to get rid of the Bill.

MR. DARBY GRIFFITH asserted that the removal of these churches was not sought for on mere religious grounds, but in order that certain thoroughfares might be widened, and new sites obtained for warehouses. The real motive of the promoters was the *auri sacra fames*. As they

were so bent on making money, they had better send the bones of the dead at once to the bone-mill, to be turned into agricultural manure.

MR. WHALLEY observed that it was no use removing churches to the suburbs unless they made the service more attractive to the people.

MR. HENLEY said, that as the Bill proposed to apply the endowments of those churches which were to be removed to the relief of spiritual destitution in the suburbs, the benefit of the Bill would not be nullified by the prohibition of the sale of the sites. What he objected to was, not the application of sites to secular purposes, when the public convenience urgently demanded it, but the sale of them for the mere purpose of getting money.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 50; Noes 80: Majority 30.

SIR MORTON PETO said, that as the object of the Bill was to provide for the spiritual destitution of the Metropolis, there could be no objection to power being given to any other denomination to acquire a church which had been vacated by the Church of England. He should therefore move the insertion of a provision for the sale of any existing church to some other religious denomination, subject to such terms and regulations as should be approved by the Secretary of State for the Home Department for the time being.

MR. E. P. BOUVERIE said, he regretted that he had had no notice of the Amendment, as it was impossible for him to say what would be the precise effect of it, or how it would work with the rest of the Bill, on hearing it read for the first time. He had no objection whatever to the sale of churches which had been abandoned by the Church of England to other denominations, and if that was all that the hon. Baronet wished to effect he would undertake to bring up a clause for the purpose on the Report.

SIR MORTON PETO said, he was willing to leave the modification of the clause to the right hon. Gentleman.

LORD JOHN MANNERS said, he believed that the Amendment was at variance with the general scope and spirit of the rest of the Bill. The 14th Clause particularized various purposes for which a scheme might be made, and other purposes, such as that contemplated by the

hon. Baronet, not being mentioned, must be supposed to be excluded. He did not wish to be understood to assent to the Amendment, either in the shape in which it now stood or in the shape in which it would appear after being manipulated by the right hon. Gentleman.

MR. JOHN LOCKE said, that as the great object was to get money for endowing other churches, it would be very wrong to restrict the vestry or the Commissioners, if they could make more by selling the buildings as they stood than by pulling them down, selling the materials, and appropriating the sites to other purposes.

SIR MORTON PETO said, he would withdraw the proviso upon the understanding that the right hon. Member for Kilmarnock would remodel it.

MR. ROLT said, that the principle upon which the Bill proceeded was that there was no population in these parishes. It had been stated that in one of them a house, which paid one-sixth of the rates, was inhabited by only one person to take care of it, and that that was the case in almost all the other houses. But if there were a population of Dissenters capable of receiving religious instruction, which had not been asserted and could not be proved, they ought not to pull the churches down. They ought either to reject the Bill and keep the churches, or, on the assumption that there was not sufficient population to render them necessary, pull them down and apply the sites to secular purposes. He could not see the necessity for the Amendment.

MR. E. P. BOUVERIE said, that the fallacy of the hon. and learned Member's argument was that he ignored the possibility of a religious denomination attracting a congregation from all parts to a church which was now comparatively useless for parochial purposes. The Dissenters could not find a congregation within the district, but if they chose to lay out their money and take their chance of collecting one from other parts, he did not see why they should be prohibited from purchasing the building.

SIR FRANCIS BARING said, that the Amendment had come upon them unawares, and it would be better to postpone the discussion until the clause was before them in a complete shape. He understood that the ground upon which it was intended the churches should be pulled down was to prevent the scandal of their being applied to the purposes of balls or

other public entertainments. He hoped that he was not more prejudiced than his neighbours, but that prejudice he certainly did entertain. He agreed that if the church were dedicated to religious purposes the difficulty would be met; but then what security would the proviso afford that it would not afterwards be converted to other purposes which would annoy the feelings of large classes of the community?

MR. HUBBARD said, he thought the proposition of the hon. Baronet the most severe censure which could be passed upon the Bill. It amounted to a declaration that the profession of want of population was utterly false, and that the people could be attracted by a Baptist or Wesleyan preacher, who were not attracted by clergymen of the Church of England. He did not quarrel with the hon. Baronet for having proposed it; but he believed that there would be nothing to prevent a church which was bought for religious purposes under the proviso of being turned into a gin shop, if it occupied a corner situation. He condemned such Church legislation; but if the Committee chose to assent to it, let them, in an open and straightforward way, put up the churches for sale to the highest bidders, whether Dissenters or publicans.

MR. CRAWFORD said, he understood the words of the proviso to be sufficiently wide to allow of churches being sold to a congregation of Mussulmans or Parsees. The reason of the hon. Baronet, the Member for Portsmouth (Sir Francis Baring), was entitled to great weight. There would be no security against the building, after it had passed into the hands of the Dissenters, being applied subsequently to other than religious purposes. He must, therefore, decline to accede to the proposal.

MR. BERNAL OSBORNE said, he was surprised at the tone of the hon. Member for Buckingham (Mr. Hubbard) who usually manifested tolerant ideas on such subjects. As to the churches being afterwards taken by publicans, he might remind them that a publican was once thought more worthy than a Pharisaical worshipper. What objection could there possibly be to a congregation of Baptists or Independents buying one of these churches? The other day, the Baptists subscribed £30,000 to build Mr. Spurgeon a chapel. If one of these churches had been in the market, probably they would have bought

it. It was a most sensible proposition that buildings, which had been devoted to sacred purposes, should descend to the sacred use of other denominations. He was astonished at the hon. Member for London indulging in a vision of Mussulmans and Parsees. [MR. CRAWFORD: It is possible.] It was not possible, by the way the clause was drawn, because the sanction of the Home Secretary would be necessary. As to the churches being applied to other than religious purposes, he was informed that it could not be done, because all Dissenting chapels were vested in trustees. ["No!"] Then a clause could be added to make it so. The objections savoured of religious intolerance; and the only bright feeling in his mind was, that he had actually lived to see an Ecclesiastical Commissioner offering to put into shape the Amendment which he hoped would pass into law.

LORD JOHN MANNERS said, that whenever he heard the words "religious intolerance" introduced into a discussion, he despaired of any practical result. If the right hon. Gentleman, the Member for Kilmarnock, was anxious that this Bill should pass in the present Session, he recommended him to have nothing to do with this Amendment. It was now half-past 5 o'clock on the 8th of August, and if a clause were inserted to carry out the views of the hon. Baronet the Member for Finsbury (Sir Morton Peto), there would not be the faintest chance of the Bill becoming law. He did not know where the hon. Member for Liskeard got his information that all Dissenting chapels were vested in trustees.

MR. BERNAL OSBORNE said, he alluded to Baptists and Independents.

LORD JOHN MANNERS: Then the clause was to be understood to be restricted to Baptists and Independents. It was to be a bonus to two Dissenting communions. The statement of the hon. Member was far wider, and included all religious denominations; but evidence had been very lately given before a Committee of the House of Lords of innumerable instances in which Dissenting chapels had been sold and devoted to every conceivable secular purpose. The real objection had been taken by the right hon. Member for Portsmouth that churches, which had been consecrated and devoted to the religious services of the Church of England, might, under the operation of this Amendment, in a short space of time, be devoted to gin

shops, theatres, or any other object which the purchaser chose.

MR. E. P. BOUVERIE said, he accepted with satisfaction the proposal of the hon. Baronet the Member for Finsbury to withdraw the Amendment, with a view to its being framed so as to obviate the objections which were entertained to it, although he admitted that the attempt to frame it in a manner to give satisfaction was fraught with considerable difficulty.

SIR MORTON PETO said, he consented to withdraw the Amendment on the distinct understanding that he should have the kind aid of the right hon. Gentleman in so framing it as to obtain unanimous approval. The practical meaning of the Secretary of State's assent being required was, to put the building in trust that it might be held for religious purposes for ever. Religious zeal was not confined to the Church of England, and this proposition would assist in carrying out the views of Members of the Church.

MR. HENLEY said, that if the clause were properly guarded it was very difficult to see what objection could be made to it. The proposition in the Bill as it stood was to pull down churches, to stack the materials, to sell the materials, and to sell the site. There was nothing to prevent a person buying the site and all the materials, and putting them back in the same shape as before they were pulled down. Why money should be wasted in that way it was not easy to discover. If security were taken that the building should always be used for religious purposes he could not see any reason why they should not adopt the clause. It was rather like straining at a gnat and swallowing a camel to make a clean sweep of the building and sell the materials when pulled down, and yet to refuse to sell the same materials undisturbed. The desecration would be less if any other religious bodies would buy the churches for religious purposes as they stood.

SIR MORTON PETO remarked, that he hoped that the right hon. Gentleman the Member for Oxfordshire would afford his able assistance to the right hon. Gentleman the Member for Kilmarnock in rendering the clause as effective as possible.

MR. DARBY GRIFFITH said, the preparation of the clause required the greatest possible care, and it could only be properly done in a Committee of the House, not on the Report.

Lord John Manners

House resumed.
Committee report Progress; to sit again on Wednesday next.

House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, August 9, 1860.

MINUTES.] *Took the Oath.*—The Lord Archbishop of York.

PUBLIC BILLS.—1^a European Forces (India).

2^a Ecclesiastical Commission, &c.; Gunpowder, &c.

3^a Local Government Act (1858) Amendment; Tenure and Improvement of Land (Ireland).

EUROPEAN FORCES (INDIA) BILL.

FIRST READING.

THE DUKE OF ARGYLL moved, that the Bill be now read the first time.

THE EARL OF ELLENBOROUGH said, that although he was opposed to this measure as destructive of the prospects which we had of retaining our dominion in India, he was afraid that his opposition would be hopeless, and he would therefore suggest to the noble Duke one or two points in regard to which he thought the measure required amendment. He understood that officers were no longer to be appointed to local employment as in former times, but were to be placed upon a Staff corps, and that when they were placed upon that corps they were to vacate their commissions in Her Majesty's service. As the power of raising officers as well as men was by this Bill taken away it occurred to him that the employment of these officers, after they had resigned their commissions, would be as illegal as that of any other persons. If the officers retained their commissions when removed to the Staff corps, which, in his opinion, would be the better plan, this difficulty would not arise. It was also a very great question whether this Bill, by repealing the Acts under which the local army had been raised, would not extinguish that part of it which still remained in existence, and it might therefore be desirable to insert a proviso to prevent it having that effect.

THE DUKE OF ARGYLL said, he did not clearly apprehend the objections of the

noble Earl. He did not think there was the difficulty in the measure which the noble Earl suggested; but the subject could be carefully considered in Committee and, if necessary, amendments introduced. The appointment of staff officers was in the hands of the Governor General, and he trusted that the principle would ever be maintained that all appointments in India, both civil and military, should pass through the hands of the Governor General.

THE EARL OF ELLENBOROUGH: But "*quod facit per alium facit per se.*" The Governor General could only act by the authority given him by the Queen, and the appointments which he might make to the Staff corps would be as much the act of the Government at home as if they were made by the Secretary of State.

Bill read 1^a.

ECCLESIASTICAL COMMISSION BILL.

RESOLUTION OF URGENCY. SECOND READING.

EARL GRANVILLE *moved* to resolve,

"That with regard to the Ecclesiastical Commission, &c., Bill, inasmuch as various Questions relating to the Management of Episcopal Estates and to the securing regular Incomes to the Bishops and an increasing Surplus to the Common Fund have been long under Consideration, and the final Settlement hitherto unavoidably delayed, whereby the Proceedings for the Enfranchisement of many Church Leaseholds have been already protracted to an Extent injurious to those concerned; and as these Matters are treated and determined in a Manner which has secured general Approval, the Circumstances which render Legislation on the Subject of the said Bill expedient are of such real Urgency as to render the immediate Consideration of the same necessary."

THE EARL OF DERBY said, he did not wish to offer any opposition to the general principle of the Bill, in which indeed, he entirely concurred. The 11th Clause was not, however, in his opinion, in conformity with the main objects which it was proposed by the measure to secure, inasmuch as it provided that any Bishop might hand over the estates committed to his charge during his lifetime to the Commissioners, not for the purpose of having any alteration made in its case, but with a view to their being managed by them, thereby saving himself trouble. Under these circumstances, he thought it would be well that the clause should be postponed.

THE ARCHBISHOP OF YORK said, that when he held the See of Durham, an arrangement was made by which the estates were handed over to the management of

the Commissioners. All the agreements and other arrangements were made in his name. It seemed to him a matter of indifference who acted as his agents, or whether the estate was managed by the Ecclesiastical Commissioners or any one else, so long as the holders of the See were not thereby exposed to any risk.

THE EARL OF CHICHESTER said, the object of this clause was not to relieve the Prelates from any risk, but rather to relieve them from the *onus* of managing their landed estates. The point was very much considered, and several Prelates only consented to having estates at rack rents made over to them on condition that the Ecclesiastical Commissioners, or rather the Church Estates Commissioners, would undertake the management of the property. He hoped the House would allow him to enter into a short, but he hoped a clear, explanation on a subject connected generally with the Ecclesiastical Commissioners and their proceedings. He alluded to the recent Order in Council for the augmentation of the Deanery of York, and he hoped the House would allow him to make this explanation, because unfortunately he was not in his place when the subject was discussed on a former evening. The augmentation of these deaneries rested on a section of the 3 & 4 *Vict.*, c. 113, and which, after enacting that the separate estates of deaneries should be made over to the Ecclesiastical Commission, directed the Commissioners to make such additional provision for these deaneries as might appear to them just and proper. It had been always held that they were directed to augment these deaneries, if they thought the income insufficient, up to a certain amount. There was another section in the Act which limited the power of the Commissioners to augment certain other deaneries up to £1,000 a year and no more; and in 1845, when the Commission prepared a scheme for augmenting certain deaneries up to £1,500 a year, and the Deanery of York up to a larger amount, the opinion of the law officers of the Crown was taken, and they considered that the second section overrode the other, and that no deanery could be augmented to a higher rate than £1,000 a year. That opinion afterwards was overruled in the year 1858 by the law officers of two successive Governments, who came to the conclusion that the Commissioners were right in their law, and that the first section to which he had alluded was not controlled by

the other, with regard to these particular deaneries, and that they might be augmented to any amount which the Commissioners thought fit and proper. In the interval — namely, in the year 1850 — a Bill was brought in for amending the Acts relating to the Commission, and in the Bill a clause was introduced to remove any doubts. The first opinion of the law officers was at that time the Commissioners' rule, but the object of this clause in the Bill was to remove all doubts, and to enable the Commissioners to augment the income of the Deanery of York up to £2,000 a year, and three other deaneries up to £1,500 a year. The Bill with that clause in it passed their Lordships' House. In the other House of Parliament it was very much discussed, but eventually was thrown out, and consequently the question of the deaneries remained as it was before. The next thing which took place in connection with this question was in the year 1858. He found on the records of the Commission that on the 22nd of April a scheme was proposed — the opinion of the law officers of the Crown having been previously taken, and being in favour of the augmentation. This scheme proposed to augment the Deanery of Wells, and, he thought, the Deanery of Salisbury, up to £1,500 a year. There was a long discussion on the point at the Board, and several members of it, including himself, expressed an opinion that, although they did not object to the augmentation of these particular deaneries, the subject had been already discussed and decided in Parliament, and that, therefore, it was not right for the Commissioners to agree to such a scheme. This discussion and the subsequent division were not recorded on the Minutes, because at that time the custom was not to record them unless specially ordered. However, on the scheme being carried, and on its going to the Council Office, he felt it his duty, as Chief Commissioner of Estates, appointed by the Crown, to communicate to the Government information of any important question which came before the Commissioners; and he accordingly communicated with the Secretary of State for the Home Department (Mr. Walpole) and with the Earl of Derby, who, on his informing him what had taken place, said he quite agreed with the view taken by the minority of the Commission, and that he should advise Her Majesty not to issue an Order in

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Council to carry the scheme into effect. The next event that occurred was the death of the late Dean of York. Now, to show the House why the Commissioners originally considered that, under the section to which he had last alluded, they had full power, and were almost bound to augment the Deanery of York, he should state that the late Dean of York was receiving an annuity of £2,500 a year. The revenue of the estates of the deanery, however, was considerably more. On the death of the late Dean, looking at the local circumstances which made it a very expensive residence, he (the Earl of Chichester) suggested to the noble Earl opposite (the Earl of Derby), who was then at the head of the Government, that since the Dean of York was in future only to have an income of £1,000 a year, it would be well to appoint some clergyman who had private property. He (the Earl of Chichester) was the more induced to do this because of a strong representation on the subject which had been made to him by the late Archbishop of York. At that time neither he nor the noble Earl opposite had any idea that the income of the deanery could be augmented beyond £1,000 a year, without an Act of Parliament. The present Dean, very soon after his appointment, very naturally and properly applied to the Commissioners for an augmentation, not beyond, but up to £1,000 a year, since his actual income was barely £700 a year. The matter was put off by the Commissioners from time to time, the majority of them wishing to make the income £2,000 a year. On the 29th of June, 1859, there was a special meeting, very largely attended, several Members of the present Government, Lord Palmerston, Earl Granville, Sir George Cornwall Lewis, and Mr. Cardwell, being present as *ex officio* members of the Board. A Motion was made to adopt a scheme for augmenting the Deaneries of Wells and Salisbury to £1,500 a year, but the sum for the Deanery of York was left blank, to be filled up afterwards, and likewise for the Deanery of Hereford. After a discussion the Board divided, when the Members of Her Majesty's Government, and those of the Estates Committee, with himself (the Earl of Chichester), were left in a minority; the Board deciding that that scheme should be adopted. This decision, however, was not final, and in the autumn, on the Motion of Mr. Walpole, a Committee was appointed to consider the whole question of the deaneries.

That Committee in their Report expressed an opinion that the remedy for the evils complained of was to be sought in giving the Ecclesiastical Commissioners power to readjust the amounts at present received by the capitular bodies without trenching upon the Common Fund, yet they did not think it would be expedient to apply to Parliament for an Act to give such powers to the Ecclesiastical Commission by a separate Act, but that the Government should be requested to include such a clause in any Bill concerning the Ecclesiastical Commission which they might introduce into Parliament. With regard to the Deanery of York, the Committee recommended that an application be made to Her Majesty's Government urging them to take steps for raising the income of the deanery to a level with the other Metropolitan deaneries. He (the Earl of Chichester) did not agree in this last recommendation. The Report, however, was adopted by the Board, and a copy of it was sent to the Home Secretary, and a deputation of the Board directed to wait upon him. He (the Earl of Chichester) was a member of that deputation, and on that occasion warned the Secretary of State and the Lord President, who was present, that a scheme would probably be sent to them for augmenting the income of the Deanery of York up to £2,000 a year. In December and January the Ecclesiastical Commissioners had the matter under their consideration, and on the 2nd of February a scheme for augmenting the Deanery of York was sealed by them. He immediately informed the noble Earl (Earl Granville) of what had taken place; and had no further communication with the Government on the subject, until, on the 10th of May, the Order in Council was passed in the usual way. The reason which the Ecclesiastical Commissioners gave for passing this scheme was that it would not be fair or just to the Deanery of York that the income should be only £1,000 a year. They considered that they were bound, as they certainly were bound, to augment the deanery, and the question was whether it should be £1,000 a year or more. On account of the local circumstances the Deanery of York required a larger income than other deaneries. Parliament had lately sanctioned an income of £3,000 a year for the Deanery of Durham; the Deans of Westminster, St. Paul's, Canterbury, and Lincoln, were endowed by Parliament with £2,000 a year each; and

it seemed to the Commissioners that the Deanery of York ought at all events to have as much. They felt that £2,000 a year was a just and proper income for York, and, if so, that it was their duty to insert that amount in the scheme. With regard to the Bill now before the House, it was framed on the same principles that had already been approved by this House in 1858, with a few changes only in favour of the local claims.

EARL GRANVILLE said, that when this Order was notified to him he was unable, from a domestic affliction, to attend to his official duties. It was referred, however, to the law advisers of the Privy Council to decide as to its legality. It was, of course, impossible for the Government to be responsible for all the acts done by the Ecclesiastical Commissioners. All orders made by them were sent to the Privy Council officers, and there their legality was inquired into; but it was obviously impossible to do more without usurping the functions which Parliament had assigned to the Commission.

THE BISHOP OF LONDON said, that though the Bill fell short of what was to be desired as an Ecclesiastical Commission Bill, still, he thought it right that a large portion of it, at least, should be passed. Much of the unpopularity which was supposed to attach to the Ecclesiastical Commission arose from the mode in which our legislation in regard to that body had been conducted. Nearly all ecclesiastical legislation was brought forward at a period of the Session when it was totally impossible to give proper attention to such subjects, and too generally when the major part of the episcopal bench were obliged to be absent in their respective dioceses. The object of this Bill was to increase the powers of the Commission with regard to receiving certain portions of episcopal and other Church property. The centralization or non-centralization of the management of this property might be a matter of interest to the attorneys, agents, and valuers of land attached respectively to Whitehall Place, or to the various cathedral towns; but the only interest which the public took in the matter was that the property should be administered in such a manner as would best advance the interests of religion and the Church. But he did not find, either in this Bill or others which had preceded it on the same subject, that careful attention to the extension of the usefulness of the

Church which ought to characterize their legislation. What was the reason why all this clamour was raised when a pound more or less was given to the Dean of a cathedral? It was simply that Parliament had only fixed its attention on who was to manage their property, and not on the manner in which it could be usefully managed, so as to encourage the fulfilment of the duties which the office might be required to perform. It seemed to be supposed to be a question impossible to answer what was the use of cathedral Deans. If there was a doubt whether the office had sufficiently important duties, Parliament had two courses before it, either to abolish the office or to assign such duties to it as would make it really useful. But he could not find that any attempt to make these offices more useful had been made by the Legislature. One would suppose from the grudging spirit in which their salaries were attempted to be regulated, that no benefit was derived from the existence of Deans; and yet the Metropolitan deanery was held by a man second to none in literature and theological knowledge, while the Deanery of Westminster also was held by a man who was an ornament to the age in which we live. There was hardly any instance of a man being appointed to a deanery who was not deserving of some public testimony. Some had laboured hard in education, others had advanced the literature or science of the country, and others had done great service to the Church by a lengthened parochial experience. Yet, no sooner was it proposed that the Dean of a cathedral Church should have that which the law allowed him than a clamour was raised as if the interests of the Church were being sacrificed to some remarkable job. The fact in regard to this Deanery of York was that before it became vacant the question had been referred to the law officers of the Crown whether Sir John Jervis had not been mistaken in the opinion which he gave that these deaneries of the old foundation should be reduced to £1,000 a year. That question was referred to Sir FitzRoy Kelly and the present law officers as well; and he (the Bishop of London) believed that it was not till after Sir FitzRoy Kelly gave his opinion that the Deanery became vacant. While any doubt existed as to which the salary was to be, the late Prime Minister was justified in thinking it of importance in this particular case that the Dean should be a

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man of private fortune, for, though it was all very well to say that £1,000 a year was a very good income, yet if great public expenses were put on a man with £1,000 a year it was not much better than poverty. He understood that it was not doubted that the present Dean of York had well sustained, and was likely, as long as he lived, well to sustain the dignity and honour of the office. But with the opinion of Sir FitzRoy Kelly, corroborated by the opinion of the present Attorney General and the law officers of the Crown, would it have been right for the Ecclesiastical Commissioners to have made it impossible for all time to come to offer the Deanery of York to any man who had not a large private fortune? It would be much better to abolish the office altogether and sell the house, perhaps to some of those agents of the Ecclesiastical Commissioners, who grew rich as Deans grew poor, than to insist that for all time to come the high and important office of Dean of York should be held as the appanage of some noble and wealthy family, and that no man of ability should be appointed to it unless he happened to possess a large private fortune. He was not, therefore, at all disposed to join in the sort of apologetic tone which the noble Earl had adopted; but on the contrary he maintained that it was the distinct duty of the Commissioners to give to the Deans for the time to come that to which two sets of the law officers said they were fully entitled, and which common sense and common reason approved as not at all too much for the office. If there had been any doubt that the office, under the present state of the law, was important, how very easy it would have been to have brought in a Bill by which proper duties should have been assigned to it. He regretted deeply that a Bill fixing all the salaries of the Deans throughout the kingdom had not been introduced at an early period of the Session, because, along with a proper arrangement of the salaries, they might also have arranged what the duties ought to be, and he believed that they would have found,—as matters at present stood,—that great injustice was being done to the holders of other deaneries. The cases of the Deans of Wells and Salisbury had been mentioned, in which it appeared that, under the erroneous impression that Sir John Jervis's opinion was correct, when it was proved to have been incorrect, the

salaries of those officers were reduced from the proper sum to £1,000 a year. He believed that those gentlemen had calls upon them as large in degree and proportion as the Dean of York, and it surely could not be maintained that all deaneries of the old foundation ought to be reserved for wealthy men. There were one or two other matters upon which legislation was desirable. It would have been well if they could have taken a large and wise view as to the mode in which the spiritual wants of this great Metropolis could be best considered. There was some good in the Bill, in this respect, inasmuch as it recognized, to a certain extent, what were called local claims; but he understood that there were still doubts whether the word "place" which was retained in the Bill, was not as limited as "parish." They might, therefore, still see a mining population living a few yards out of a parish, not deemed entitled to have their spiritual wants supplied from the ecclesiastical wealth of that parish, or the miserable population in the Potteries of Kensington debarred from all claim because they happened to live 100 yards outside the parish of Paddington, from whence the Commissioners would probably soon derive an income of £10,000 a year. It would have been well also if some provision had been made with regard to the expenses of the Ecclesiastical Commission—if there had been some sort of schedule showing how much the various officers should receive. He did not mean to doubt that it was an erroneous impression, but there was an impression on the part of the clergy that it was a great pity when there were so many clergymen wanted to labour among the poor that there should be so large a staff of secretaries, under-secretaries, and clerks connected with the Commission, and that it would be better if fifty clerks were turned into fifty curates. The laity might object to the incomes allowed to Deans, but the clergy objected to the increase of secretaries and clerks more strongly than to keeping up the dignitaries upon the ancient foundations of our cathedrals. Then again it would have been well if the Bill gave some indication of how long the Ecclesiastical Commission was to last. Their business was to get the ecclesiastical property as soon as possible into a good state, and when it was in a good state to hand it over to those to whom it belonged—not to administer the property to the end of time in an office in

Whitehall Place. It might be well if in some Bill, if not in this Bill, something like a period were fixed when the Ecclesiastical Commission should—not cease to exist, but—fall into its proper position, that of regulating changes with regard to property, without holding the whole property in its hands. When the property of the Finsbury stall fell in, it alone would bring them £60,000 a year, and no one could tell how many new secretaries and clerks would be required to manage that property. He believed that unless they settled the principle on which the Commission was to act a great outcry would soon be raised throughout the Church. He believed that the Commissioners administered their duties faithfully; he believed that they were exposed to that sort of unpopularity which necessarily arose when, through good report and evil report, men tried to do their duty; the blame rested with Parliament and not with the Commissioners. The Commissioners could only act as the law prescribed. It was well worth considering how far the existing regulations of the law were wisely devised, and how far the country and the Church was contented to leave them in the present state. The Commissioners would always be, to a certain extent, unpopular, because they had a limited sum to dispose of among a multitude of claimants. But there were other causes of unpopularity which arose from the present state of the law. The Bishops of the Church of England had personally no desire to have anything to do with the administration of this property;—they entertained a deep conviction that they had quite enough to do with the spiritual work of their office, but that, still, it was their duty not to allow a great institution like the Ecclesiastical Commission to go on without taking their part in its superintendence. No one could over-estimate the great importance of this Commission in Whitehall Place. It was becoming more and more the very centre of the establishment of the Church of England, and if occasion were taken to raise a clamour, and from interested motives to impute neglect of duty—if these things were allowed to sow dissension among the friends of the Church—the enemies of the Church would greatly rejoice. Nothing, in his opinion, was more likely to do harm to the Church Establishment than any sort of neglect of the great office of the Ecclesiastical Commission, or than leaving arrangements in the undefined and unsettled

state in which they were left by present legislation. He trusted to see, next Session some legislation, not any longer merely, with respect to accumulations of property, but as to the mode in which the Deans whose position and income had that even- ing been the subject of discussion, as well as other cathedral offices, could best be enabled to perform the important duties which the Church had no right to expect from them.

LORD STANLEY OF ALDERLEY wished to know whether the Ecclesiastical Commissioners could of their own authority raise the revenue of any dignitary of the Church upon the simple condition that their recommendation should receive the approval of an Order in Council, which was never refused. The salaries of the Deaneries of Canterbury, London, Westminster, and Lincoln were fixed by Act of Parliament; but it appeared that in the case of the Dean of York the salary had been raised without any solicitations upon his part, and after the assent of the noble Earl who had been at the head of the late Government had been refused to such an arrangement; while the mode in which the Commissioners had carried out their determination upon the subject, which was most distasteful to all the lay members of the Board, seemed to have been of a somewhat irregular character. It might be that the case of the Dean of York was exceptional; but if such a proceeding could take place under the existing law, he thought it would be well to introduce into the measure then under their Lordships' consideration a clause which should provide that the assent of the Council should not be given to any recommendation of the Commissioners for the augmentation of the revenues of any dignitary of the Church until after that recommendation should have been laid for a period of six weeks before Parliament. By such an arrangement public attention would be invited to each recommendation, and if it were a proper one no obstacle would be thrown in the way of its adoption. The right reverend Prelate had justified the appointment of Cathedral Deans by a reference to the two Metropolitan Deans, Milman and Trench, for whom none of their Lordships entertained greater respect than he did; but this was not a case of any such reward of great piety, great learning, or important services rendered to the Church. It was simply the appointment of a most estimable gentleman, who was

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well qualified for the office to which he had been appointed, but who required no increase of salary, and whose elevation to that high position was not important to the Church. He would not now enter into any discussion as to the duties or uses of the Ecclesiastical Commission, but if he received any encouragement he should in Committee move the insertion of the clause which he had mentioned.

THE EARL OF CHICHESTER explained that the course taken with regard to the Deanery of York was no exception to a rule in so far as this, that it was the course pointed out by the Act of Parliament.

THE EARL OF DERBY said, it appeared to him that a very material point had been omitted by the noble Earl opposite in his notice of this case. He told them that the Commissioners, in consequence of the opinion which they received from Sir John Jervis, believed in the first instance that they were precluded from raising the salary of a Dean beyond a certain amount, but that a subsequent opinion of the law advisers of the Crown informed them that their powers were not limited in the manner they had supposed. The noble Earl, however, forgot to state that in the meantime a very important step had been taken. The Commissioners had gone to Parliament, and had asked to be authorized to raise the salaries of two Deans to £1,500 a year; but Parliament had distinctly refused to accede to that request. It was therefore after Parliament had decided that the salaries of Deans ought not to exceed £1,000 a year that the Commissioners had taken the unfortunate step of raising the allowance of the Dean of York to £2,000 a year. Surely, when the Commissioners were informed that they had the power, which before they were informed they had not, it would have been advisable that before exercising it they should have obtained a declaratory Act, showing plainly that they had such authority. In that case no complaint could have been made that Parliament had not been fairly dealt with. Did he understand the noble Earl to state that this was not the exercise of an exceptional authority, but that with regard to every other deanery the Commissioners had the same power of increasing the revenue?

THE EARL OF CHICHESTER replied, that all the Deaneries mentioned in the Act which had been alluded to were under precisely the same circumstances as the

Deanery of York, and he presumed that if the majority of the Commissioners took the same view with respect to them they could augment the incomes in a similar way, though not to the same amount.

THE EARL OF DERBY: Then it came to this, that Parliament having declared that the revenues of these deaneries should not be more than £1,000 a year, the Ecclesiastical Commission had an absolute and irresponsible power—because his noble Friend (Lord Stanley of Alderley) said that their recommendations were confirmed by Orders in Council as a matter of course—of raising them to an amount which Parliament had declared that they ought not to reach. If this was so, it was a state of things which required immediate and urgent attention; and, under the circumstances, he thought that the clause suggested by the noble Lord opposite (Lord Stanley of Alderley) was well worthy of consideration.

Resolution agreed to.

Bill read 2^a (according to Order) and committed to a Committee of the Whole House *To-morrow.*

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3^a.

THE MARQUESS OF WESTMEATH said, that he should be neglecting his duty if he did not enter his solemn protest against the Bill being read the third time. He regarded it as an unprincipled interference with the rights of private property. The preamble of this Bill set out with an untruth, because it stated that it was expedient to create facilities for the improvement of landed property in Ireland. It was not expedient to do by legislation what the persons interested in land were perfectly willing and competent to do for themselves. The measure was intended for the coercion of Irish landlords, who had done their best to increase the quantity and improve the quality of the produce of the soil. They had encouraged the formation of societies to promote what the Bill designated “good husbandry,” but priestly influence had been employed to defeat their efforts; and the tenants had been counselled to withhold their co-ope-

ration, on the ground that those institutions were only designed to increase rents. If an indifference to a proper system of cultivation existed in Ireland the fault did not lie with the landlords. One objection to this Bill was, that it did not define what was meant by “good husbandry.” The measure had been brought forward at the suggestion of a party that would never be quiet as long as its unjust demands were listened to. Nothing could be more barbarous than the method of culture still pursued in Connaught, where the people began by burning the land, and were afterwards obliged to use enormous mallets for pulverizing the ground. All the disputes and murders occurring in that part of the country might be traced to the fact that the land was not properly divided, but was all held in common. The noble Marquess concluded by repeating his solemn protest against the iniquitous provisions of the Bill.

VISCOUNT DUNGANNON considered the Bill uncalled for in every sense of the word. It was a most unnecessary intervention between landlord and tenant, and it was his conviction that if acted on to any extent it would be productive of the worst possible feeling between the parties. The Bill would not promote the progress of improvement in landed estates in Ireland, but would place the landlord in the position of being compelled to negative improvements, and thence would cause matters to be sent to the law courts and for decision by incompetent tribunals. He believed the largest landed proprietors were against the measure, and he should not be doing his duty as a representative Peer if he did not express his conviction of its unsoundness and uncalled-for character, against which, in common with the noble Marquess, he must enter his protest.

Motion agreed to; Bill read 3^a accordingly with the Amendments.

LORD MONTEAGLE proposed a clause requiring that houses to be built under the Act should be constructed of stone or brick and well-seasoned timber, covered with slate, &c.

EARL GRANVILLE thought it undesirable to introduce such specifications in a permanent Act of Parliament. It would be quite enough to enact that the houses should be “well and substantially built.”

After a few words from the Earl of Donoughmore,

Clause added.

Bill *passed* and sent to the Commons.

GUNPOWDER, &c., BILL.

RESOLUTION OF URGENCY.—SECOND READING.

EARL GRANVILLE *moved to resolve—*

“That as regards the said Bill, inasmuch as the proposed Enactments therein relating to the Manufacture, Custody, and Conveyance of Gunpowder and other Combustibles are, in consequence of the Insufficiency of the existing Law and the increased Production of those Articles, necessary for the public Safety; the Circumstances which require Legislation on the Subject Matter of the said Bill are of such real Urgency as to render the immediate consideration of the same necessary.”

Resolution *agreed to.*

Bill read 2^a (according to Order) and committed to a Committee of the Whole House on *Thursday* next.

House adjourned at a Quarter before
Eight o'clock, till To-morrow,
Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, August 9, 1860.

MINUTES.] PUBLIC BILLS.—2^o Fortifications (Provision for Expenses); Consolidated Fund (£10,000,000); Conjugal Rights (Scotland).
3^o Industrial Schools Act (1857) Amendment.

Order for Committee (Supply) read.

Mr. LAING, in moving that the House go into Committee of Supply, appealed to hon. Members who had Motions on the Paper to postpone them till the evening sitting. It was now the 9th of August, and it would take ten days after all the Votes of Supply were agreed to before the Session could terminate. There were still 200 Votes in Supply to be considered, and business would be greatly facilitated if the morning sittings were devoted to the discussion of the Votes themselves.

Motion made, and Question proposed,—
“That Mr. Speaker do now leave the Chair.”

NATIONAL GALLERY.

PAPERS MOVED FOR.

Mr. ADDERLEY said, there were only two Motions on the Paper on going into Supply—one in the name of the hon. Member for Devonshire (Sir Lawrence Palk), who was absent, and the other his own. He should not occupy the House many minutes. He intended to move for a copy of the plan and estimate of Captain Fowke, for alteration of the National Gallery, and of any other plan for that purpose now under the consideration of the First Commissioner of Works; and of any Corre-

Earl Granville

spondence thereon. The First Commissioner of Works was in possession of two plans—one that of Captain Fowke, which he had rejected, and the other by the architect of the right hon. Gentleman's own Department. Captain Fowke was a man of first-rate ability, of European celebrity, and of peculiar genius for architectural arrangement, and he had submitted to the Government a plan for the alteration of the National Gallery, involving an estimate of £34,000 only, of the utmost value and importance. The plan which was proposed to be carried out by the Government, on the other hand, would cost £200,000, and be infinitely inferior in internal arrangement. He (Mr. Adderley) could not conceive why Captain Fowke's plan had been rejected by the First Commissioner of Works. The only objection he had heard to it was, that it would be a breach of etiquette to take a scheme from a military man instead of the regular official architect. But the fact was that Captain Fowke was an architect by profession, as well as a military engineer. Captain Fowke's plan involved four alterations internally, and two externally. First, he proposed to raise the floor of the hall to the level of the rooms, by which means he would give full space for exhibition room; secondly, he would devote the basement to sculpture halls and schools; thirdly, instead of compelling the public to go up steps from the pavement external to the portico, he would enable them to enter the building at once from their carriages; fourthly, he would enlarge the Gallery by introducing into it the side rooms. Then, externally, he would raise the whole centre, and he would do away with the dome, which he (Mr. Adderley) believed was in popular parlance known as “the canister.” He would also bring out the front, now frittered away in no less than eleven façades, making it at present only three, besides the large centre. He had heard that the Royal Academy objected to this plan; but he would observe that he did not see what right the Royal Academy had to say a word about it, as they were only tenants there. Their objections, however, were—first, that there were no separate entrances for the two departments; but Captain Fowke's plan readily admitted that alteration, if it were required; secondly, they said it involved a transfer of their works of art that the spaces would be reduced, and that excavations would be necessary; but any one who examined the plan would find that it did

not curtail their space one inch, while it doubled the space for the National Gallery. They further objected, that Captain Fowke's plan did not make use of the present portico; but of what use had the portico ever been? Some old pillars of Carlton House were worked up to make it, and the public were forced to go up a flight of steps out of doors in all weathers to make use of it—covered by a huge unsightly wooden canopy to shelter them in the ascent. But what did the House think was the use to be made of the portico by the Government architect? The House would scarcely believe that, according to the plan about to be adopted by the Board of Works, it was proposed that the public should continue to go up the portico steps, descend into the hall, and then mount up again a flight of steps inside into the exhibition rooms. He (Mr. Adderley) hoped that the First Commissioner would spare the Government and the country from the ridicule of such a scheme. He did not wonder at the right hon. Gentleman's reluctance to produce the correspondence; but having the highest opinion of Captain Fowke's plan, he begged to move formally for copies of the letters of which he had given notice.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'there be laid before this House, a Copy of the Plan and Estimate of Captain Fowke, for alteration of the National Gallery, and of any other plan for that purpose now under the consideration of the First Commissioner of Works; and of any Correspondence thereon'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CONINGHAM could not but think that there was some occult influence at work in respect to both the National Gallery and the British Museum. Successive Governments had pledged themselves that the Royal Academy should be moved from the National Gallery; it would now seem that there was an intention to keep it there. Four or five Cabinet Ministers seemed to be doing all in their power to knock up that very useful institution the British Museum. He hoped that nothing would be done in the matter of the National Gallery till the House met again next Session, especially as a very large expenditure of money was involved. The whole question called for serious and minute consideration.

MR. COWPER said, he could assure the House that nothing could be more baseless than the right hon. Gentleman's statement that Captain Fowke's plan had been rejected by him on account of official etiquette. He had rejected Captain Fowke's plan simply because he thought it a bad one. It was quite clear that the pictures of the National Gallery could not long be contained in the space now devoted to them, and that more room would have to be provided for them either in Trafalgar Square or elsewhere. In 1857, his noble Friend at the head of the Government visited the National Gallery, and after examination, came to the conclusion that the great central hall should be made available as a picture gallery. It having been considered necessary to make other alterations, plans were prepared and given in by Mr. Pennethorne. Captain Fowke also sent in a plan; and he (Mr. Cowper) referred the question to the consideration of the Royal Academy, not merely because the members of that body were naturally conversant with the hanging of pictures, but because some of them were among the first architects of the day. They objected to some of the details of Captain Fowke's plan. He had the highest estimation of Captain Fowke's ability in designing picture galleries—if he were about to erect a picture gallery, one of the first men he should consult would be Captain Fowke. But his plan for the alteration of the National Gallery aimed at either too much or too little. It was too little if it was intended to make the building in Trafalgar Square a complete picture gallery; while as a mere improvement of the Gallery it did too much. Captain Fowke proposed to alter almost the whole building, beginning at the roof and ending with the basement. For himself, he thought the portico the best thing in the whole building, and the view from it was very fine; but, among others, of Captain Fowke's alterations, he proposed to make the entry, under the portico in the sides of the stylobate—about the most mean and paltry mode of entrance that could be devised. The right hon. Gentleman stated that the estimate for Captain Fowke's plan was only £34,000; but his impression was that, instead of £34,000, it was more likely to reach £50,000 or £60,000; and he certainly could not take upon himself the responsibility of proposing to expend the lowest of these sums upon a building which originally cost £70,000. He could not consent

to the Motion of the right hon. Gentleman; and, in fact, there was no such estimate as was there referred to; and, with regard to the plan of Captain Fowke, it was unnecessary that he should produce it, as it had already been published in the *Cornhill Magazine*. He was quite willing to produce the Correspondence, however, and if the right hon. Gentleman withdrew his Motion, he would consent to do so. As to the plan of the Government, he would be prepared to explain fully its nature when they came to Vote No. 7 in the Estimates relating to that matter, and, in the meantime, he hoped the discussion of the question would not be continued further.

SIR JOHN SHELLEY hoped, on the discussion on Vote No. 7, the right hon. Gentleman would explain why the recommendation of the Committee of the House with respect to the National Gallery had not been attended to. The Committee of the House had recommended that the pictures should remain in the National Gallery, and that the Royal Academy should be removed elsewhere.

LORD JOHN MANNERS would recommend his right hon. Friend (Mr. Adderley) to be satisfied with the Correspondence which the First Commissioner was prepared to produce. He must observe that the Government of Lord Derby was prepared to adopt the recommendation of the Select Committee in respect to the removal of the Royal Academy to Burlington House, and devoting the whole of the building in Trafalgar Square to the purposes of a National Gallery. The Academy showed every disposition to meet the Government, and had it not been for the Ministerial changes, the transfer would, in all probability, have taken place. He thought it would be well for the present to postpone any extensive alterations in the National Gallery.

VISCOUNT PALMERSTON thought it desirable that some arrangement should be made by which the Royal Academy might be provided for elsewhere, and the whole of the space in the building in Trafalgar Square devoted to the pictures of the National Gallery; but even that would be only a temporary arrangement, as the increase of pictures in the national collection by bequests and purchases would soon more than fill the whole of the building. There was a Vote of £13,000 for the alteration of the National Gallery to be proposed to the House, and that sum would be sufficient for a number of years, at least, to provide

the room that was required. Would it not be better, then, to take that course than to embark in a large expenditure at Burlington House to provide accommodation for the Royal Academy? He thought the best course would be to expend the small sum to which he had referred in the meantime, and to postpone for some time to come the expenditure of the more considerable amount that would be necessary for a permanent arrangement.

MR. AUGUSTUS SMITH said, he had hoped that nothing more was to be done on the question this Session.

MR. ADDERLEY accepted the offer of the right hon. Gentleman to give the Correspondence, and would withdraw his Motion; but he should go into the whole matter on a future occasion.

Amendment, by leave, *withdrawn*.

CIVIL SERVICE ESTIMATES.—AUDIT AND APPROPRIATION.

RESOLUTION.

SIR FRANCIS BARING said, he did not bring forward the Motion in the spirit of complaint; the subject was in itself complicated, and the changes of Government since the Committee had made their Report would excuse delay. He feared also that the bad state of health of Mr. Anderson, a most valuable public servant, had increased the difficulty. He wished only to obtain a declaration of the House, that the question was in an unsatisfactory condition and required early attention. The Resolution included two points, the audit and the appropriation. As to the audit, the House were aware that there existed a Board of Audit kept up at considerable expense, invested with great power of inquiry, responsible to Parliament, and holding their places during good behaviour, and he might add, performing their duties with great efficiency and independence. Common sense would say that all accounts should be examined by this Board. But it was not so. The civil services were an exception. By a Return laid before the Committee, it appeared that of the civil service Votes in 1856, £63,000 were only partially examined by the Audit Board and above £2,000,000 not at all. Among these accounts was included the expenditure of the Treasury and of other high offices—just the departments to whom the audit of a Parliamentary and independent Board should have been applied, instead of which

they now generally audited their own accounts.

The Committee, in their Report, recommended the application of the audit to these accounts. There were differences as to the mode of carrying this into effect. The Resolution did not commit the House to any opinion as to these details; but, individually, he trusted that the audit might be carried on at Somerset House by the Audit Office, and not at the Treasury, as he thought with the Chairman of the Audit Board that it was not wise to entrust the check of the accounts of the Treasury to a subordinate clerk carrying on his business under the shade of those high authorities on whom his future might depend. With respect to the appropriation, there were many deficiencies in the present system, which were pointed out in the evidence; but he would only trouble the House by one example: A sum of £80,000 was voted for the Duke of Wellington's funeral. The whole sum was drawn out from the Exchequer before the 5th of April, 1853. But in 1856 it was shown, by Papers laid before the Committee, that £24,000 of this money had not been required for or spent on the funeral. It had remained floating in the Pay Office, and had been used for Army, Navy, and other requirements, by a system of payments and repayments, which was most confused and unsatisfactory.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the appropriation and audit of the monies voted for the Civil Service Estimates are insufficient and unsatisfactory, and require early Amendment'"
—instead thereof.

Mr. LAING said, that the difference between the Government and the right hon. Baronet in regard to this matter was really very small. It was undoubtedly true that the system of appropriation and audit was open to improvement according to the recommendation of the Committee on Public Monies. However, the difference between the cases of the Army and Navy Estimates, and the Civil Service was this: in the Army and Navy Estimates there were some fifteen or sixteen Votes of sums of a very large amount, with which it was very easy to deal; but in the Civil Service Estimates there were at least 200 Votes, many of which contained a very large number of minute items which were classed under different heads, and in consequence a rigid audit and appropriation of the moneys voted for the Civil Service was a matter

of great complication and difficulty. A great many of the expenses were met from time to time by advances out of the Treasury chest, and as this expenditure was made in various parts of the world, it was only after long intervals that those accounts came in, and the appropriation of the sums traced to their final application. The matter was much more a question of detail than of principle. The Government had no objection to the Resolution, except on the ground that it was an abstract Resolution, and that abstract Resolutions on matters of detail were not desirable, particularly when the Government themselves admitted the evil, and were anxious to apply the remedy. However, the matter involved a great deal of difficulty, owing to the multitude of arrangements that should be made. The illness of Mr. Anderson, at the close of last Session, prevented the matter being taken in hand at the time, but the question would certainly be attended to during the recess. One of the greatest improvements that could be effected, and which, above all, would facilitate the arrangements for the audit which was desired, was, if the Civil Service accounts could be wound up at the close of the financial year. One of the means which would facilitate that arrangement would be that those Estimates should be voted by the 31st of March. Another was, that large sums in account should be voted; but to this course the House had the strongest objection. As for voting the Estimates by the 31st of March, he feared in the present mode of conducting the business of the House that could not be done. He could assure the House that the Exchequer, from the Chancellor down to its lowest officers, would be only too glad to part with the auditing of those Estimates. One of the great difficulties, however, in having the work done at the Audit-Office was, that the items were so numerous and various that the audit had to be carried on from day to day and week to week. He hoped with the assurance which he had given, that the Motion would not be pressed.

Mr. HENLEY thought the House was indebted to the right hon. Baronet for having introduced this subject to their notice, and for keeping it alive. He must say that he could not regard the answer of the Secretary to the Treasury as satisfactory. He said there was little difference between the opinion of the Government and that of the right hon. Gentleman; but he did not state what that difference was. He ad-

mitted, in the very terms of the right hon. Baronet's Motion, that the system complained of was incomplete and unsatisfactory, but immediately thereafter he proceeded to show that there were all sorts of difficulties in the way of remedying the evil. He said the Treasury had no objections to the funds at their disposal being audited at the Audit Office, but concluded by showing that enormous difficulties stood in the way. The hon. Gentleman blew so hot and cold on the subject that he feared there was not much prospect of any satisfactory measure being adopted.

MR. W. WILLIAMS agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) in thinking the statement of the Secretary to the Treasury unsatisfactory. The observations of the right hon. Baronet (Sir Francis Baring) were so conclusive, that if he divided the House—and he trusted that he would press his Motion to a division—it would be the duty of hon. Members to support him.

SIR HENRY WILLOUGHBY said, he should certainly support the Resolution, the propositions of which, he said, no one denied. He thought the Resolution should be passed, in order that future Governments might be warned that some alterations in the present system were necessary. The balance of the moneys voted for the funeral of the Duke of Wellington had remained unaccounted for from 1853 to 1856, and had been applied to purposes of which the House had no cognizance. It had been shown by Mr. Anderson, and other gentlemen who were examined, that money was spent in other ways than it was granted for; that money was spent without audit, and that money was spent before it had been voted by that House. When Mr. Anderson was asked whether this was a right course, he replied, "It is a great question;" and that was all the answer they could get. It was a great question, which the House of Commons should set right.

MR. HANKEY hoped the House would not allow the right hon. Baronet to withdraw his Motion, for it might happen that the Government would not be in office next year; but this Motion, if passed, would remain as a record of the opinion of the House. The Report of the Committee on Public Moneys ought, in his opinion, to be carried out *in toto*. There was no difficulty in putting the Civil Service accounts on the same footing as those of the Army and Navy. It had been said that a great deal of the Civil expenditure was made in va-

rious parts of the world; but that was quite as true of the expenditure of the Army and Navy. If any merchant in London were to keep his accounts as the Government did theirs, he would never know in what condition his affairs were. The system of going on from year to year with unexpended balances, was a wrong system. It was a matter of very great disappointment that the Government should have shown so little sympathy with the recommendations of the Committee, though he admitted that the Audit Office had done something since the Report was submitted to the House.

SIR GEORGE LEWIS begged to say, with regard to the Civil Service Estimates, that any alteration effected could only be an alteration of account. There might be some improvement made in that respect, though he was far from thinking that the existing audit of the Civil Service money was either a dishonest or inefficient one. He admitted, however, that the present system was a defective one. He was, indeed, not quite sure that he fully understood it, though he had had a good deal of experience at the Treasury. The recommendations of the Committee on Public Moneys were such as he could not but approve, and it was, no doubt, matter of regret that those recommendations had not been carried out. Several reasons might be given for this, and one of these was the illness of Mr. Anderson. As he understood, the Resolution moved by the right hon. Baronet did not refer to a state of things that had recently originated, but to one that had been of long continuance. It was not, therefore, a censure upon the present Government, and he felt himself at perfect liberty to support it. If the hon. Gentleman thought proper to press the Resolution, he should not, on the part of the Government, think it necessary to oppose it.

SIR JAMES GRAHAM said, he was a member of the Committee on Public Moneys and a party to all the Resolutions which it adopted. He believed that it was within the power of the executive Government to carry out a large proportion of the recommendations of that Committee, and the Government had given the House assurances that without loss of time they would be so carried out. He regretted that the pledge had not been fulfilled. He regretted the illness of Mr. Anderson, who was, no doubt, a very able public servant; but he could not admit that the business of

Mr. Henley

the Treasury was dependent on Mr. Anderson. They had a very able Chancellor of the Exchequer and a very able Secretary of the Treasury, and he did not see why the recommendations of the Committee should not have been carried out before this. If his right hon. Friend (Sir George Lewis), with his official experience and great judgment, did not understand the working of the existing system he (Sir James Graham) might well feel a difficulty in expressing any opinion upon it. The right hon. Gentleman, however, admitted that the accounts of the Civil Service were not in a satisfactory state. That was a very large admission. What was of more importance than an account? An account was a record of anything that was done, and if it was imperfect it was worse than none at all, for it led to erroneous conclusions. There was no independent audit of the Civil Service Estimates; the audit was the work of those who spent the money. Now, he contended for the principle of an independent audit. That was one of the recommendations of the Committee, and he thought it was high time that the sanction of that House should be given to the recommendations. He was glad the Government had assented to the Resolution of his right hon. Friend, and he hoped it would not remain on the Votes a dead letter, but that during the recess the subject would receive the serious attention of the Government, and that early next Session some measures would be taken on the subject.

SIR GEORGE LEWIS did not mean to say that the system of accounts now existing was incomplete, but that the method of accounting might be in some respects objectionable.

Question, "That the words proposed to be left out stand part of the Question,"

Put, and *negatived*. Words *added*.

Main Question, as amended, put, and *agreed to*.

Resolved,

"That the appropriation and audit of the monies voted for the Civil Service Estimates are insufficient and unsatisfactory, and require early Amendment."

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee.

Motion made, and Question proposed,

"That a sum, not exceeding £100,440, be granted to Her Majesty, to defray the expense of maintaining and keeping in repair the Royal Parks,

Pleasure Grounds, and other Charges connected therewith, to the 31st day of March, 1861."

SIR JOHN SHELLEY objected to the mode in which the Vote of £17,000 granted last year for purifying the water of the Serpentine was being expended. There was a great deal of unnecessary work—such as digging wells for water, &c.—that would create an enormous expense. He wished to know whether the First Commissioner of Works believed that a good supply of water would be obtained by the course now being pursued, and whether he imagined the contemplated work could be done for the sum of £17,000 voted by the House last year. He wished, also, to know how the First Commissioner of Works came to spend so much money in putting up a fence and making other arrangements for the new ride in Kensington Gardens, without taking a vote in Parliament upon it. There was an item of £750 for fixing iron railings and doing other work in Kensington Gardens. He had very great suspicions in his mind with reference to these doings in Kensington Gardens, and, therefore, he would move that the Vote be reduced by this sum of £750. There was a memorial to be presented to the Queen on the subject of the new ride at Kensington. When it was presented it would show Her Majesty the great dissatisfaction that existed in the neighbourhood regarding it, and he trusted that it would have the effect of putting an end to a scheme so very unpopular. He wished also to know what was the meaning of the item of £1,800 for drainage in Richmond Park, and of another item of £250 for the improvement of the herbage there? The hon. Baronet then moved that the Vote should be reduced by the sum of £750.

Motion made, and Question proposed,

"That the item of £750, for providing Iron Tree-guards and fixing Iron Railings and Fence in Kensington Gardens, be omitted from the proposed Vote."

MR. W. WILLIAMS complained that the Committee appointed to inquire respecting the civil service expenditure had done nothing. The Committee had made a Report, but a more inefficient Report he had never seen. He drew attention to the item of £8,000 for the improvements in the Regents Park, and to the estimate for Kew Gardens, on which an amount (£15,000) was expended that was totally unnecessary.

MR. AUGUSTUS SMITH thought the public had cause to look with much suspicion on the increasing mania for iron rail-

ings and hurdles in the Parks. These railings and hurdles were, generally speaking, introduced very insidiously. A few were put down first on one side, and then on another, and gradually extended till the use of the Parks was very much interfered with. The Green Park, for example, was set out with these iron obstructions in such a way as to make it resemble a cattle-market more than anything else. The space set apart for the enjoyment of the public was thus nibbled away, and a great hardship inflicted on the working classes. A park was a park, and a garden was a garden, and he did not see why the large spaces intended to be parks should be dealt with as if they were gardens. What was the object of the enclosure between the Palace wall and the road on Constitution Hill? He thought, too, the public had reason to complain of the number of fine trees which had been killed through the ignorance of those who carried on the works.

LORD JOHN MANNERS said, there was a Vote of £750, a considerable portion of which had reference to the new ride in Kensington Gardens. He agreed with the hon. Member for Westminster (Sir J. Shelley) in his views of the new ride. His right hon. Friend the First Commissioner was, no doubt, actuated by the best intentions in forming that ride, but he had no hesitation in saying that he was acting in a wrong direction. It was quite clear that the ride could not remain in its present state;—it was more like an approach to a cattle pond than anything else. If it were proposed to make it a permanent ride he must express the strongest condemnation of the whole scheme. Though exceedingly fond of equestrian exercise himself, he was bound to say, after giving the subject the fullest consideration, that the new ride was uncalled for, and would be a source of inconvenience and annoyance wholly incommensurate with any advantages that it might be supposed to confer on the public. Kensington Gardens were open to those of the public who chose to enter them on foot; why should those people be annoyed and exposed to danger from persons on horseback? Let the Parks be as open as they pleased to those who rode, but let Kensington Gardens be retained for the use of pedestrians. Who had ever heard of any gentleman opening his gardens to persons on horseback? To enter the ride it was necessary to cross the most pleasant path in the whole Gardens; and yet it was said that the public suffered no inconve-

nience by the Gardens being cut in two. The right hon. Gentleman could have no idea of the way in which the public are now incommoded. He had himself seen an elderly female in a wheeled chair, drawn by two men, who were vainly attempting to force the chair through one of the apertures which had been made adjoining this ride. The aperture was too small, and there was this unfortunate lady, apparently an invalid, with her chair half in and half out, exposed for a considerable time to the gaze and amusement of the passers-by. It was impossible for old people and children to enjoy Kensington Gardens as they used to do. Even as regarded riders, unless the new ride were made an unbroken continuation of Rotten Row, it would be of no advantage. In no respect could it be made a fit place for equestrians. In winter it would be a detestable swamp, and in summer every blade of grass would be obliterated, and the ground would become hard and intractable. If the £750 included in the present Vote were intended to make the new ride permanent, he should certainly vote for the Motion of the hon. Member for Westminster.

MR. MALINS said, that he, like the noble Lord, was attached to equestrian exercise, and had been many years a frequenter of the ride at Rotten Row, and therefore he would naturally be favourable to an extension of the ride; but he must say that he did not very highly estimate the advantages of the new ride. He did not think it was worth much, and on many days it could not be used at all. He did not hear that it would be of any advantage except that on sultry days persons might obtain shelter under the trees there. He was a great walker in Kensington Gardens, and there were few things he enjoyed more than a walk there on Sundays; and few walks were more pleasant than the walk on the south side parallel with Rotten Row. Meetings, very numerous, had been held to object to this ride, and petitions very numerous signed were adopted against it, and he must say it was not a thing that should be done in opposition to the wishes of a large portion of the community. The ride was not worth having, at the expense of violating the feelings of a great number of people. A very large portion of the population were known to be opposed to it, and he would venture to say that if they were to poll all the parishes lying to the west of the Haymarket, they would find that there was a majority of the

whole population against it. He was an inhabitant of Belgravia, and had heard a great number of people expressing their opinions. Some few persons, particularly young ladies, were in favour of the new ride; but four out of five of the people he heard speaking on the subject were opposed to it. ["No, no!"] What then was the meaning of the meetings—what was the object of the deputations that waited upon the right hon. Gentleman (Mr. Cowper)? There was scarcely any one living in the neighbourhood of Kensington who was not opposed to it. ["Oh!"] He cautioned Gentlemen below the gangway who were such admirers of popular suffrage, how they trifled with the public feeling on this subject. It might be agreeable to some persons to get under the shade of the trees, but the feelings of the majority were not to be neglected for the private convenience of those persons. He did not act upon that principle. He should be glad to use the ride, but through respect for the feelings of his fellow-countrymen he should not require to have it. He thought the right hon. Gentleman was in error, but that he acted from the best motives. He thought it was merely intended to see this season how it would work, and he (Mr. Malins) would not object to that; but if a vote were taken on the Amendment, he would feel bound to vote in its favour.

MR. COWPER said, the Vote contained an item for iron railings. One portion of these were to be employed as a substitute for the high brick wall that ran along a portion of Kensington Gardens. Another portion of the Vote was to go for a gateway, and there was an item of £250 to provide hurdles for the new temporary ride. The hon. Baronet (Sir John Shelley) might, therefore, fairly take the sense of the House on the subject of the new ride by proposing the reduction of the Vote by this sum of £250. They had been told in the course of the discussion that parks were parks, and that gardens were gardens. He denied that that proposition supported the argument of the noble Lord (Lord John Manners), that because Kensington Gardens were gardens they were therefore unfit for the purposes of riding. It arose from a mistake as to the meaning of the word "gardens." Of course, they could not make a ride in a flower garden, but these were not flower gardens. They consisted of 268 acres of park scenery, sheep were grazing on them, and the avenues were adapted for horses. Not so many flowers

were to be found there as in Hyde Park. But would the House say that the grounds called Kensington Gardens were to be preserved for one class of the public, and that no other class was to be admitted? He believed the House would agree with him, that the mere fact of Kensington Gardens having hitherto been kept for pedestrians was no reason why people should not be admitted who took recreation on horseback, provided only they could do so without inflicting any material discomfort on other classes. This ride, he believed, secured that object. It was an immense advantage to a large portion of the public, while the inconvenience to the remainder was as slight as it possibly could be. The people who went to the flower walk never need cross the ride at all. Certainly the entrance was not such as he could wish, but he had only taken advantage of an existing entrance. It seemed to him that the whole collision was between persons who preferred quiet and retirement and those who preferred publicity. One body of the people of the neighbourhood had presented a petition in which they stated that they liked quiet and retirement, and another body of respectable inhabitants at Notting Hill said that they had a vested right in the possession of quiet and solitude. It was certainly a new thing to hear that privacy was to be the characteristic of public gardens, and that the House of Commons was to be called on to choose between the two—publicity or privacy. He could not but think that there was something selfish in the views of those who demanded exclusively the possession of Kensington Gardens for the enjoyment of solitude. There were portions of those gardens in which, even with the existence of this ride, those persons might enjoy as much solitude as they pleased. But this had been called a question between the higher and lower classes of the community. Nothing could be more untrue, for as regarded the working classes they were, generally speaking, earning their bread by their labour at the time when the riders were there. On Sunday the ride was shut. It was not the custom in this country for persons to ride in the Park on Sunday, and he should be sorry to open Kensington Gardens for the use of riders on that day. The truth was that the persons who opposed this scheme were quite as rich as those who were in favour of it. But the question had assumed its present impor-

casion which Chief Justice Monaghan selected to tell the loyal Protestants of Fermanagh that, although they had kept within the letter of the law, they had broken it in spirit; that they had intentionally offered insult to their Roman Catholic fellow-subjects; and that they had been guilty of desecrating the churches by permitting flags to be hoisted thereon—things with which they had nothing whatever to do. Upon that occasion he felt it his duty, as foreman of the grand jury, to make a few observations to the Judge in court, assuring him that insult was never intended by the Protestants of Fermanagh, nor considered by the Roman Catholics to have been intended. His Lordship replied that, although an insult might not have been intended, it was nevertheless calculated to produce that impression; that he himself would not have considered such a thing as the hoisting of Orange flags an insult, but it had been so deemed by others. The grand jury felt that the remarks of the Judge might lead to mischief; they consequently drew up an address, which was signed by twelve of their number, some of the others stating that they would not sign it because they were satisfied with the observations made in court by the foreman. The facts were that the Judges went into Enniskillen on the 16th of July, and that where an Orange flag, which had been hoisted on the 12th of July, was hauled down at the commencement of the assizes, and was not again hoisted during the presence of the Judges in Enniskillen. It had been stated that the bells were rung, but he did not know whether or not that was the fact. He did not think that the grand jury would have done their duty if they had not remonstrated with Chief Justice Monaghan on account of his remarks, and pointed out the mischievous effects they were likely to produce, and which, indeed, followed in the hoisting of a flag at Londonderry.

MR. WHITESIDE seconded the Motion.

MR. CARDWELL hoped he should be excused from entering at length into the discussion just raised, and the more so as there was a Bill before the House which dealt with this subject, and which would afford an opportunity for further observations. He would now proceed to answer the Question put to him. With respect to what passed on the occasion he had no official information, but only such information as every hon. Member had access to.

Captain Archdall

Whatever might be the opinion of the Government on the subject, it was not the intention, as far as he knew, of the Government, or of the Chancellor of Ireland to take any such steps as those suggested in the Question. He had official information that party tunes were played at Enniskillen. At Londonderry an Orange flag was hoisted at Walker's monument, which flag was most properly taken down by the mayor.

SPAIN.—QUESTION.

MR. H. BAILLIE said, he wished to ask the Secretary of State for Foreign Affairs, Whether any application has been made to admit Spain to the rank of a First Rate Power; and, if so, whether it is the intention of Her Majesty's Government to withhold its consent, so long as the Government of Spain continues to tolerate the Slave Trade, and systematically to disregard its Treaties and engagements with this country?

LORD JOHN RUSSELL said, it did not yet appear that Spain herself had made application or expressed any desire officially to be admitted to the rank of a first-rate Power in association with the Five Powers of Europe who were usually so denominated. The Government of France, however, had expressed an opinion that it was desirable that Spain should be added to the five Powers, and in reference to that proposition, or suggestion, the Government of Austria had answered that the Emperor of Austria would have no objection to see Spain placed in the same rank with the five Powers, but he thought the case ought not to be turned into a precedent for the admission of any other Power. The Government of Prussia, on the other hand, had expressed an opinion that it would be injurious to the Protestant States of Europe if the number of the great Powers were altered by admitting another Roman Catholic Power, and that if that were done it would be desirable that Sweden likewise should be admitted. It was also to be considered that Portugal, as well as Spain and Sweden, signed the General Treaty of Vienna, and it would not be desirable that Spain and Sweden should be admitted, and Portugal, which always entertained jealousy with regard to Spain, should be excluded. If all these States were admitted there would then be eight great Powers instead of five. But it must also be considered that Sardinia, a very thriving country, might put in her claim too, and in

that case there might be nine great Powers instead of five. Now, considering that since 1815 the concert of the five Powers had on the whole very well preserved the peace of Europe—and the preservation of that peace was the object of the Congress of Aix-la-Chapelle—it appeared to him very undesirable to change the present state of things in this respect. At all events he assured the hon. Gentleman that before the next meeting of Parliament the Government would not consent to any change for the admission of Spain among the great Powers.

MANUFACTURE OF CANNON.

QUESTION.

MR. H. BERKELEY said, he wished to ask the Secretary of State for War, Whether the Low Moor Company (Iron-founders in Yorkshire) are making smooth-bored Guns for Her Majesty's Government, and for what purpose? The same Company having made cast-iron Guns, to be afterwards strengthened by Sir William Armstrong, how many were made, how many burst upon trial or failed, and how many succeeded? Did Guns made by Colonel Wilmot on nearly the same plan in Woolwich Arsenal succeed? Is not the Secretary of State for War aware that Guns made after the same plan have been adopted and are perfectly successful in France, and if not placed actually on board ship, are ready stacked for that purpose, both at Cherbourg and Toulon? Is he aware that the Russians have adopted that gun, and are at the present time manufacturing it in Liverpool?

MR. SIDNEY HERBERT said, he would reply to the Questions *seriatim*. First, the Low Moor Company were making guns, 68-pounders and 32-pounders, for the use of the navy. These guns would probably never be displaced by any rifled guns that could be made. The hon. Gentleman next asked whether the same company, having made cast-iron guns to be afterwards strengthened by Sir William Armstrong, how many were made, how many burst upon trial or failed, and how many succeeded? Upwards of 300 cylinders had been made for the purpose of being strengthened by iron hoops; five had been tested, and three of them burst; and that being a large proportion, it was evident that there was something defective in the manner in which they had been hooped. It had, therefore, been resolved to await

the result of further inquiry; and he did not doubt they would succeed in finding a way in which they might be hooped more successfully. As to the next Question, did guns made by Colonel Wilmot on nearly the same plan in Woolwich Arsenal succeed? Colonel Wilmot hooped a gun which had been made by one of the great founders, and it burst at the thirty-ninth round, but showed considerable strength before bursting. He might remark that specimen guns were always tried to destruction, in order to ascertain what pressure they would bear. With respect to the last two Questions, was not the Secretary of State for War aware that guns made after the same plan had been adopted, and were perfectly successful in France, and if not placed actually on board ship were ready stacked for that purpose both at Cherbourg and Toulon? and was he aware that the Russians had adopted the gun and were at present manufacturing them at Liverpool? he had to reply that there certainly were guns at Toulon, which the French Government, it is said, had so little confidence in that they would not, unless using very low charges, place them in ships, but in places where, if they burst, the consequences would not be so disastrous as on deck. There was great doubt whether we did not apply too severe a test to our guns. Our powder was much stronger than that used on the Continent; and, consequently, guns might stand the test applied to them in France, and not be able to stand the same nominal test here. As to the last Question, his reply was that the Russians had not adopted that gun, but they had adopted guns made at Liverpool by the Mersey Company, which were of wrought-iron.

Motion, by leave, *withdrawn*.

FORTIFICATIONS (PROVISION FOR EXPENSES) BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question *proposed*, "That the Bill be now read a second time."

MR. EDWIN JAMES said, that he rose to move the Amendment of which he had given notice; and he trusted that in a matter involving the expenditure of so enormous an amount of public money, the House would pause before authorizing the expenditure of that large sum for such a purpose. The Bill proposed to authorize the expenditure of no less than

£2,000,000 on account of the whole expenditure in respect of fortifications. He would not go into details, but he would take the sense of the House whether such an amount should be voted without further information. There had been no information given whereby the House could distinguish between the cost of land fortifications and other defences. He, therefore, moved

"That, before proceeding further with this Bill, it is desirable that this House should be in possession of further information as to the entire cost of the construction and efficient maintenance of the Sea Defences, and the proposed land fortifications, distinguishing the expenses necessary to be incurred by the country in respect of such proposed Sea Defences and Land Fortifications."

Many persons of competent authority entertained different opinions upon this question. Some thought that the Government were justified in asking for a Vote to complete the sea defences of our arsenals and dockyards, as distinguished from the land fortifications, but entertained grave doubts as to the expediency of embarking in any large expenditure on account of land defences, for which so large a portion of the money now asked was to be applied. He thought it would be wise to fortify our arsenals and dockyards by sea defences, if the House could be informed of the probable expenditure. For himself he believed that the notion of invading this country had never entered into the mind of the Emperor of the French, and that it was one of the wildest chimeras ever suggested to ask the House, under the influence of a French invasion panic, to agree to an expenditure for fortifications without any information as to the probable cost of manning them when constructed. He could believe that in the event of a war, which might be brought about by the complication of affairs in Europe, France would no doubt take a part in any great European war, either as the ally or the enemy of England, and in the latter case it would be well that our arsenals and dockyards, which the noble Lord at the head of the Government properly called the cradles of our navy, should be protected by sea defences. We knew very well that the Dutch burnt our ships at Chatham, and thus humiliated England; and, in case of a war, if our arsenals and dockyards were not protected, England might again suffer a like humiliation, which it might take years to efface. Conceding, then, the desirableness of protecting our arsenals and dockyards, surely the noble Lord ought to give the House some esti-

mate of the expenditure which that protection would involve. The whole thing was totally vague and indefinite. The expenditure about to be entered upon was certainly uncalculated, if not incalculable. The House was asked to vote in the dark an enormous sum of money towards the accomplishment of a most wild and undigested scheme brought forward at the end of the Session; but of how much was this amount the instalment? The object of his Amendment was to place on record his solemn protest against incurring an enormous expense of which no estimate had been laid before the House. It appeared from the Report of the Commissioners that they proposed an expenditure of £11,000,000 for the construction and armament of these fortifications; but not a word had been said by them, or by Her Majesty's Government, as to the enormous cost that would be required to man these fortifications when constructed. It was supposed that about 68,000 men would be wanted to man the works efficiently; and, taking the cost of each man at £60 yearly, it was evident that the country would have to pay some millions yearly to maintain these fortifications. This showed the necessity of further information, both of the ultimate cost of completing the Government scheme, and the annual charge it would lead to. He would not enter into a discussion about the desirableness of constructing a central arsenal at Cannock Chase, but the House should recollect that they had been asked to sanction an expenditure of £150,000 merely for the purchase of the land that would be required for that arsenal; and before they sanctioned that expenditure they ought to insist on being informed what the works at Channock Chase would ultimately cost, and what would be the annual expense of maintaining them. The Commissioners said that the works, which were to be constructed at Channock Chase for the defence of Woolwich, would cost £700,000, but everybody knew that, as in the case of the estimate for the New Houses of Parliament, the cost would be three or four times £700,000. There were many hon. Members who would willingly vote a definite sum for the construction of sea defences to protect our arsenals and dockyards, but who would hesitate to vote an enormous sum for land fortifications. The House would stultify itself in the opinion of the country and of Europe if it voted £2,000,000 as the commencement of an expenditure, the

limit of which was altogether unknown; and he therefore hoped Her Majesty's Government would inform the House more definitely on this subject.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'before proceeding further with this Bill, it is desirable that this House should be in possession of further information as to the entire cost of the construction and efficient maintenance of the Sea Defences, and the proposed Land Fortifications, distinguishing the expenses necessary to be incurred by the Country in respect of such proposed Sea Defences and Land Fortifications'"
—instead thereof.

SIR CHARLES NAPIER said, he seconded the Amendment. If he thought there was the smallest chance of either £2,000,000 or £10,000,000 being the limit to the outlay required, he might be inclined to take the proposals of the Government into consideration; but he was quite sure, looking at the character of the works proposed, and that we had already spent £1,500,000 with so little to show for it at Portsmouth, that £2,000,000 would go a little way towards completing them. At Portsmouth the Commissioners proposed works for the defence of the harbour to prevent an enemy from running in and burning our ships and destroying the dockyard. Now, the most ignorant waterman on Portsmouth Hard would tell you that when the buoys and marks were taken up it would be perfectly impossible for the pilots themselves to run a ship into Portsmouth. Every one who had ever entered Portsmouth harbour in a yacht must be aware that the entrance was so narrow and so shallow that no three-decked ship could go in or out with her guns on board; and if an enemy's fleet should enter the harbour, of what use would they be without guns? The variation in the tides and the strength of the currents was another difficulty, and even the most experienced pilots often ran ships ashore. Now that such large ships were built—some of them 350 feet long—the best pilots were nervous about taking ships in or out of Portsmouth Harbour, where the slightest wrong movement of the helm would put a ship ashore. He could hardly help laughing at the idea of an enemy's ship ever entering Portsmouth harbour. Why, it would only be necessary to fire two or three guns loaded with powder to make a smoke, and both sides would be invisible. The Commissioners next proposed to erect fortifications to prevent an enemy landing to the east-

ward of Portsmouth between Browdown and Cumberland Fort, and thence destroying the arsenal. For this purpose it was intended to build forts on certain shoals; but the Commissioners did not say whether those batteries were to be one, two, three, or four-deckers. The Commissioners themselves said it would be impossible to prevent ships going at eight or nine knots an hour from running past these batteries. If batteries were built both to the eastward and to the westward, ships running twelve, fourteen, or sixteen knots an hour with the tide, would run past them, and would anchor in the Solent out of range of these batteries. The enemy could then land any force he pleased on the Isle of Wight, from which place he would command Portsmouth with such guns as those of Armstrong or Whitworth. It could not be imagined that the French would ever invade us unless they had the command of the sea. If we were as careless as we had been when a cold fit was upon us, and neglected our navy, then we should be in danger. That might be if we were as careless as during the Syrian war, when the French outnumbered us in the Mediterranean, and during the administration of Sir Robert Peel when the fleet was reduced to twelve sail of the line. He must say for the credit of Lord Auckland that he put the navy in a more efficient state, and created a Channel fleet which he (Sir Charles Napier) had the honour to command. The history of the navy for many years past had been a succession of hot and cold fits of economy. When he was on the coast of Syria he received orders from Sir Francis Baring, then First Lord of the Admiralty, to send the ships home, in order that they might be paid off before the end of the financial year. That economy lasted for about a year. The Government then found that they had made a mistake, and they commissioned two or three sail of the line, and got up a small Channel fleet. That Government was turned out of office. At this time he felt the defenceless state of the country so strongly that he waited upon Lord Derby, whom he had never seen before, and represented the matter to him. Lord Derby got up the Channel fleet: and a fortunate thing it was, because when the country was overtaken by the Russian war, the Admiralty were able by great exertions to get up a tolerable fleet, which became in time an excellent fleet. In an evil hour, after the War was over, the Government

took fright again at the expense. Sir Charles Wood, who was then First Lord, came to the Admiralty and told them the Chancellor of the Exchequer insisted on the fleet being paid off. That was done, and a fine fleet was sent to the winds—a fleet well manned, with plenty of petty officers, and in other respects well officered. The Whigs then went out of office, and in came the Tories. Sir John Pakington was not satisfied with the state of the Navy, and said, “We must get up the fleet again.” The very ships that had been paid off by the preceding Government were then commissioned again, at an outlay of £70,000 or £80,000, or £100,000 more than had been saved by paying them off. Sir John Pakington deserved great credit for what he did. But although he gave a bounty to the men, he was unable to get men enough; and then it was found that there were no petty officers or midshipmen, and the ships were consequently not commissioned so soon as they ought to have been. This was owing to the bad policy pursued by previous Governments in paying off the fleet so frequently, and thereby destroying the confidence of the officers in the stability of their positions. However, they had got a good fleet at last, although there was a paucity of officers. The Mediterranean fleet was equal to any fleet we ever had in those waters, except in regard to the number of men and officers. But instead of improving its efficiency in these respects the Government were now going to fortify the whole country. Well, whom were we to fortify against? It was impossible we could be invaded except by France and Russia combined, for France had not a sufficient force for the invasion of this country. How could the French come here as long as we possessed our maritime superiority? He confessed he thought there was great danger of France being assisted by another Power, and he hoped that the agreement would not be cemented in Mount Lebanon. What would France do if she proposed to invade us? She would collect a fleet either at Cherbourg, Brest, L’Orient, Toulon, or some other port. But we should collect a fleet too. If our Government neglected their duty the French might bring their ships to Spithead. They might anchor any number there, and throw their shells into Portsmouth Harbour. We could launch our gunboats, take out all the old blockships, now of no use whatever, and anchor them with heavy guns on the shoals where

it was proposed we should build batteries. That would be only ship against ship, for the French could not sail stone batteries, and the old blockships would defend the country just as well as fortifications. The House had been told that the batteries would be necessary in case the ships were away; but where were our ships to be? They must be sent off the ports where the French fleet were. If the French fleet came out it would be their duty to take them and bring them home. If they remained in harbour they would try and get at them, if possible. That was what we used to do, and what we must do again. As France had an army of 500,000 or 600,000, which was greater than England had or ever would have, we must trust to our fleet, keep it well manned, and attend to our reserves. They might erect fortifications, but where would they get soldiers to man them? But in time of war large numbers of seamen would be thrown out of employment, and would be glad to escape starvation by entering the navy. We should then only have to put them on board of the ships, old and new, which we now had in our harbours, and which we had an excellent custom of keeping always ready for sea, and a force would be ready at once to protect our shores and repel any invader. He could not for the life of him understand what necessity there was for spending all this money on fortifications. It might be as well, perhaps, to complete the works at Portsmouth which had already been commenced. The Commissioners had very cunningly concealed from the public the fact that an extensive series of new batteries had been constructed on Portsdown-hill at a great expense, and had shadowed them forth in their map only as a part of the old lines. If the enemy got hold of these new batteries they would have the command of all the rest. He asserted that since the invention of rifled ordnance Cherbourg harbour offered no security to a fleet. With the Armstrong and Whitworth guns, and the molten lead which they could throw into the place, every ship in the harbour might be destroyed. To render Cherbourg safe a new basin must be built in a more sheltered situation, for the present one was far too exposed to withstand the battering of Armstrong guns. Yet we were now asked to commit the same mistake at Spithead and Portsmouth. It might have been very well to do so before these rifled guns were invented, but now nothing could be more futile or absurd. We ought to be

warned by the mistake France had made. During the Russian war Cronstadt was partially protected by the shallowness of the water round it, which kept our ships at a distance. The north side of the place, however, was perfectly exposed to our mortars, and the damage we were able to do even with the old guns showed how little reliance was to be placed on fortifications. With the new rifled guns Cronstadt might be swept from one end to the other. The scheme now before the House was utterly absurd, and he agreed with his hon. Friend the Member for Birmingham in thinking that they must be lunatics if they carried it out. If the French had the upper hand of us at sea they could land where they liked; and, if they once got a footing on our soil, it would not be at Portsmouth or at Plymouth that they would point, but at London. What would be the use of the fortifications at the dockyards then? It would not be southwards, but northwards, that the inhabitants of the Metropolis would have to retreat. Tierney once said in that House, "Give me a well-manned fleet and a full Exchequer, and I will defy the world." He said the same, and he warned them that if they pursued the course on which they were now entering, they would soon have neither a well-manned fleet nor a full Exchequer. If Louis Napoleon seriously intended to invade our country, would he wait three years till our fortifications were ready? A more absurd or useless scheme he never heard of. Let the Government redress the grievances of the seamen and make the service more attractive, let them use every effort to keep up the strength of the navy and of the Reserve, and they would provide the best protection for our shores. Why did they not enlist in the Reserve the bargemen and lightermen of the Thames, who were bound in return for certain privileges to serve when called upon? During the last war we had sea fencibles all round the coast; the whole country, in fact, was covered with seamen. Now, however, our force of seamen was miserably inadequate; but he firmly believed that plenty of men would come forward to defend their country, if proper encouragement were given to them.

MR. SIDNEY HERBERT: I am grateful to the hon. and learned Member for Marylebone for the brevity with which he put the House in possession of the arguments in favour of his proposition, and shall endeavour to follow the good

example he has set us in that respect. He thinks it important the House should know what are the sums which are to be taken for sea defences as contrasted with land defences. Upon a former occasion I entered at some length into the subject of the cost of the different works and gave the figures in some detail. I stated that the works to be commenced under the present Bill would ultimately cost about £5,000,000. Of that sum you may say, in round numbers, that one-half is for sea defences and the other for land defences. I may mention, however, that included in the land defences are some which ought, perhaps, to be called sea defences. For example, the works at Dover are reckoned as land defences, though, from their connection with the harbour, they ought to be considered rather as sea defences. The hon. and learned Member also wants to know what will be the cost of maintenance. The only way in which you can arrive at the probable cost of maintenance is by looking back at the fortifications made during the last ten or more years, and ascertaining what has been the cost of their maintenance in proportion to the sum originally expended upon them. I find it amounts to about $\frac{1}{4}$ per cent of the original outlay; but, of course, as the works become more aged the expenditure for their maintenance must be expected in some degree to increase. The hon. and learned Member asks what additional force do we expect to be obliged to raise on account of the fortifications. My answer is that if you ask me to capitalize the cost of the new battalions, you must set against that the cost of the still greater number of additional battalions which you must raise for the defence of the country if you have no fortifications. The Defence Committee call attention to the fact that in case of war we must have a larger standing army than at present; but if we have no fortifications that increase to our standing army must be much greater than otherwise would be necessary, because we can use the Militia and raw levies behind works, whereas for manœuvres in the field we must have regular troops. The hon. and gallant Member for Southwark (Sir Charles Napier) thinks that the proposed works at Spithead are quite unnecessary; but in the course of his speech he gave a satisfactory answer to his own argument. He says that if we take up the buoys and destroy the marks at Spithead nobody will be able to come in. Captain Sullivan, on the other

hand, tells us that if all the buoys and marks were removed a fleet could be brought in without the least difficulty. I cannot venture to decide between two such high authorities; but the House will see that if the gallant Admiral's views are correct that our own ships would be just as much excluded by raising the buoys as the enemy's would be. In another part of his speech the hon. and gallant Admiral said that if the buoys and marks were removed it would still be possible for an enemy to creep in. Next he said that the channel was so narrow and tortuous that ships were obliged to work in very slowly, and a little further on he talked of vessels coming in at fourteen knots, and passing through our works without buoys and marks. His statements, in short, were so contradictory that they thoroughly answered one another. The hon. and gallant Admiral then alluded to a possible combination between France and Russia, in which case he seemed to think all fortifications useless. He then referred to the case of Cronstadt, which he said might have been taken, if it had not been so surrounded by shoal water that we could not get at it. The gallant Admiral spoke as though he thought that the sole use of our fleet was for the defensive, and that their skill and energy was to be employed solely in defending our arsenals and dockyards. In his main argument, that because it is possible to destroy Cherbourg, therefore it would be possible to destroy Portsmouth, he leaves out of sight the enormous difference between the two places: Cherbourg can be destroyed because it has no outworks, but Portsmouth may be defended by outworks—and, in fact, that is the very thing we are proposing to do. I may state that the chief expenditure for land works will be at Portsmouth. The only other place where there is any great necessity for land defences is Plymouth, which, owing to its remote situation, must to a great extent be self-dependent. Chatham is entirely a case of land defences, and ought to be made strong on account of its vicinity to London. I may say, in conclusion, that we have tested our estimates by existing contracts, and, as they have been purposely made large to cover any unexpected contingencies, I am satisfied they will not be exceeded.

COLONEL DICKSON wished to state his reasons for supporting the Amendment of the hon. and learned Member for Marylebone. He regarded as unjustifiable the proposed outlay on land defences, which

could be only needed in the event of a successful invasion, which he looked upon as wholly impossible and absurd. When he saw such a sum of money as this proposed to be spent, he must say that the Commissioners had arrived on this point at a most lame conclusion, on totally insufficient evidence. The instructions issued to them proceeded on a wrong principle, one of those instructions having been to take into consideration the small amount of the forces usually maintained in this country, and in particular the limited number of Artillerymen that would be available. He held that on such a subject efficiency and not expense ought to be the primary consideration. On looking over the list of witnesses examined, he found that Admiral Dundas, Admiral Bowles, Sir Michael Seymour, Sir Thomas Maitland, Captain Sullivan, and many others connected with the naval service had given their evidence, while Sir John Burgoyne was the only military officer whose opinion was taken upon the scheme, and that he was totally opposed to it. Sir James Scarlett, the commanding officer of the district proposed to be fortified, who was thoroughly acquainted with the neighbouring country, over which the forces under his command marched perpetually, and on the character of which the subalterns under his command were bound to report, was merely questioned as to the supply of water which could be brought to Portsmouth. The same point was the only one submitted to Colonel Forster, who was in command of the Royal Engineers. Was the country to expend millions on the faith of a Report based upon such an imperfect inquiry? If the works recommended were carried out, he believed that not two, nor five, nor twenty millions would suffice; and if they were really required, it was only throwing so much money into the dirt to expend one shilling less than the total amount that was needed. The Commissioners, he believed, had arrived at a foregone conclusion, and had been actuated by the feeling that it was necessary for the satisfaction of the country, and to make their Report popular, that defensive works should be recommended. It was but natural that the nation should feel uneasy, when told by Secretaries of State and by the Prime Minister that it was necessary to be prepared to repel invasion. The spirit and devotion which had been shown could not be too highly appreciated—it ought to be encouraged by every means; but it should

Mr. Sidney Herbert

at the same time be judiciously controlled. When invasion was talked of, reference was, of course, made to one particular quarter, and it therefore became important to consider whether it was the desire of the Emperor of the French to quarrel, to invade, and to make war upon us. He firmly believed that he had no such intention; and, though he did not stand up as his advocate, he could not imagine that a man who had exhibited the great qualities which rendered him one of the foremost men of the day, would be guilty of such an act of insanity as the invasion of this country must necessarily be. The Emperor of the French had lately written a letter in which he asserted that the noble Viscount at the head of the Government, "knew that what he said he meant." He should like to test the sincerity of that distinguished personage by the opinions of the noble Viscount. The noble Lord had not merely dealt with puny and inexperienced statesmen, but while in office had ample opportunities of studying thoroughly the characters of those masters of diplomacy and intrigue who for so many years had guided the counsels of the different countries in Europe. The noble Viscount was well able to form an opinion; every Member of the House was delighted to see that in point of intellect he was as vigorous and able as he had ever been; he was not likely to be deceived by mere appearances;—and he therefore put it to him—Did he believe that the Emperor of the French was playing us true or false, or that he was not acting up to those peaceful professions which he had always made from the first moment when he ascended the throne? At the same time we must not overlook the character of the people over whom the Emperor reigned. Although the Emperor did not intend to deceive us, there might be persons on whom it was necessary for him to practise a slight and innocent deceit. The martial character of the French nation must be remembered, and the difficulty which necessarily lay in the way of guiding them into those peaceful occupations which were the real basis of a nation's greatness. It was impossible to break off all at once the ties and feelings which bound France to the traditions of former centuries, and he believed that Napoleon was flattering them with a little glory, and at the same time coaxing them to allow him to inaugurate under his sway a new reign of peace and commerce. He was not blind to the under-current of dis-

quietude and want of confidence which was percolating through the stream of politics, and which might at any moment eventuate in combinations that would require us to exert our utmost force. But times were changed since invasion had been threatened by the first Napoleon. One master mind no longer governed European politics, but each nation thought and acted for itself. He put it to the House whether the Emperor of the French was likely to be unaware that the first man who unjustifiably disturbed the peace of Europe, would at once make himself the common enemy of mankind, and that a war, wilfully commenced by him in defiance of right, would expose his country to another defeat and another disgrace, which must recoil upon himself, and sweep him and his family from the throne of France? Without exposing himself to the taunt that there was "nothing like leather," he thought he might fairly urge upon the Secretary for War that a gradual increase of the standing army was required. The Commission, in their Report, put down the force in the United Kingdom at 60,000; but it had on a former occasion been shown that we could not depend on a larger manœuvring army than 28,000 to 30,000. The noble Viscount had urged as a reason against the Volunteer force in Ireland that there would be 30,000 regulars and 30,000 Militia to defend that country; but any person who believed that in the event of war more than 7,000 or 8,000 troops could be spared to Ireland, or that an amount at all approximating to 30,000 Militia would be available, made a grievous mistake. He contended that at least 20,000 additional troops of the Line were required for the defence of the United Kingdom. The increase in our standing army ought not to cause any great increase in our Estimates, for a very small proportion of those Estimates went to the rank and file. About £600,000 he calculated would do it. If 10,000 or 15,000 additional regulars were raised, and about 5,000 of the Militia regularly trained every year, with the assistance of our Volunteers, we should always be able to muster a strong force on any emergency. But how were we to be invaded? It was not to be supposed that if ever an invasion did come we should be taken totally unawares. We should not go to bed one night in perfect security and wake next morning to find a lot of French steamers off Brighton or some other part of the coast disembarking troops as fast as

possible. We had consuls in every port, who would surely give us information of what was about to happen. Suppose the Emperor of the French to have resolved on such a piece of insanity, it would take him some time to bring his men down to the coast and to embark them, and surely we should have a steamer or two about to embarrass the operation a little. We should be certain to have plenty of warning, and by means of our railways we might easily get a lot of navvies together and throw up earthworks wherever they might seem most likely to be wanted. In regard to camps, he thought that instead of one monster camp at Aldershot, we should have half-a-dozen other camps in different parts of the country. It was not fortifications we wanted, but a fair, reasonable, and well-disciplined standing army, with a regular business-like disposition of the resources which the country had placed at the disposal of the Government. In this manner, without giving way to panic in the slightest degree, he was for putting the country into a thorough state of defence. In discussing this question, the great interests which were at stake ought not to be lost sight of. Not only our own liberties, but the liberties, the happiness, and the prosperity of the whole civilized world might be said to depend on the power of England to repel an aggression on her shores.

LORD ELCHO said, he entertained a strong opinion upon this question of the National Defences, and he tendered his hearty thanks to the Government for the course which they had pursued on the question, and trusted that they would not be deterred by any of the carping criticisms which had proceeded from various hon. Members in the course of the debate from placing the country in a thorough state of defence—an object which was not only desired in this country, but which the lovers of peace throughout all the world would rejoice to see accomplished. During the past year we had seen the peace-loving people of this island voluntarily engaged in organizing and drilling themselves, until there had sprung up an effective Volunteer army of some 138,000 men. That force had already proved its efficiency and patriotism, and had received the warm approbation of all who had inspected them. What was the cause of such an army suddenly springing into existence? The hon. and gallant Gentleman opposite attributed it to panic.

Colonel Dickson

COLONEL DICKSON: What I said was that by injudicious management of the movement the idea had been created that a panic had prevailed.

LORD ELCHO disclaimed any such motive for the part which he had taken in the movement. It was a deep sense of shame that the country should be liable to such panics which had actuated him. In one respect there was a foundation for these panics. It was not that there was the slightest immediate danger of the Emperor of the French or the Emperor of Russia, or any combination of Powers attacking us, but there was a consciousness that in the event of our being attacked by any Power or any combination of Powers we were not in that state of preparation in which we ought to be; that we had been living in a fool's paradise, which was rather calculated to invite aggression than to repel it. In this respect there was some foundation for a panic, and it was in a determination that England should for the future rest for her security on the forbearance of no foreign potentate, and on no system of precarious alliance; but on her own strength, that this movement had taken its rise. The same feeling which had given rise to the Volunteer movement ought also to induce the House to support the Government in the steps which they were about to take on the recommendation of competent authorities on this question of fortifications. In the course of the debate the House had been favoured with all sorts of professional and amateur-professional criticisms on the scheme. The gallant Admiral the Member for Southwark, forgetful of certain facts which it was unnecessary to name, maintained that fortifications were of no use to defend a dockyard, and that ships were the only defences. The gallant Officer who had just sat down was all for soldiers, and the hon. and learned Member for Marylebone, coming out in the new capacity of an engineer, declared that land fortifications were unnecessary.

MR. EDWIN JAMES: I gave no opinion. I merely asked for information as to the expense.

LORD ELCHO maintained that the hon. and learned Member, by putting a Motion on the Paper with reference to the relative cost of sea and land defences, which inferred that the sea defences might be necessary, but the land defences were unnecessary, had committed himself to an engineering opinion. Notwithstanding all

these different criticisms, he could not help feeling convinced that the people of England would feel all the safer for the assurance that the dockyards were perfectly safe from attack. Was there anything in the present position of Europe which should induce us to relax our efforts with regard to the question of national defences? Much had been said of a recent letter of the Emperor of the French. He (Lord Elcho) was of opinion that the proper answer to be given to that letter should be a cordial union with the Emperor in any judicious measures which might be adopted for the interests of humanity in Syria, and in any endeavours which he might make to build up a strong kingdom in Italy. Towards the end of the previous Session he had taken the liberty of calling the attention of the House to the foreign policy of the Government. If the Emperor of the French really wished to establish a strong Italian Power, then it was the duty of England to join with him in so doing; and he wished to see England strong, so that she might say that no one should now interfere in Italy, but that the Italians should manage their own affairs. On referring to the despatches—especially to those of M. Thouvenel it was apparent that the policy of the French Emperor was at one time in that direction; and, if that was still his policy, it was the duty of England to join cordially with him in carrying it into effect. But England must be on her guard, for the aggressive tendencies of the French people at the commencement of the present century, which inflicted such terrible calamities in Europe, could not be forgotten. Neither could it be forgotten that the Empire began in peace and afterwards engaged in bloody wars, and that Nice and Savoy had been absorbed. What he wished was to see England strong, and nothing would more tend to that object and to the removal of all temptation to aggression than the fortification of the dockyards and the existence of an efficient army, aided by that great army of Volunteers, which had sprung into existence in so short a space, and which rendered England equal to any emergency. Let the House free and untie the hands of the Foreign Secretary, so that it might be felt that when the Foreign Secretary wrote despatches he wrote them influenced by what he thought right, and by no meaner motive. On these grounds he should cordially support the original Motion.

CAPTAIN JERVIS said, that he did not

understand the terms of the Resolution proposed, and he wished the hon. and learned Gentleman would explain it. It appeared to him that all the information with regard to the expenses which the hon. and learned Member desired could be obtained in the Report of the Commissioners. If those were not the details he required, he (Captain Jervis) was unable to make head or tail of the Motion. The simple question was whether this country was to maintain its way in the progress of the science of engineering. The whole of the coast had been fortified by Martello Towers,—a description of defence which originated in the repulse, in 1794, of 1,400 British troops, a line-of-battle ship, and a frigate by a Martello tower in the island of Corsica. Those Martello Towers answered very well at that time, but were totally inadequate to the requirements of the present day, owing to the progress of artillery. Only the other day a Martello Tower was knocked to pieces in half-an-hour by a few guns brought to bear upon it. A more effective kind of fortification was now necessary to meet the great improvements that had been made in the science of artillery. The hon. and learned Member objected to the removal of the Arsenal of Woolwich to Cannock Chase; but if the arsenal were not removed it must be fortified, and in this respect the removal effected a saving of £555,000.

MR. MONSELL said, the hon. and gallant Gentleman seemed to misunderstand the actual question at issue. Everybody was desirous that this country should be placed in a position of security, but the question was whether the system proposed by the Government was founded on sufficient authority, and was the most effective that could be adopted. The great majority of the Members of the House felt that they were incompetent to decide this question themselves, and the hon. and gallant Member himself, who now declared against the fortification of Portsmouth, nevertheless on a former occasion voted for it.

CAPTAIN JERVIS said he had not voted for it, but he would not put his individual opinion against that of Sir Howard Douglas.

MR. MONSELL said, that many military men in that House had spoken against the plan, and the hon. and gallant Member for Chatham (Sir Frederic Smith), whose authority was of great value, in an admirable speech, urged strong objections to the land fortification of Portsmouth and

Plymouth. With respect to the Martello Tower referred to, which the hon. and gallant Member had spoken of as though it had been blown to pieces in half an hour, he (Mr. Monsell) was informed that the fact was that three large guns were firing at it at only 1,000 yards distance for two days, and though they made a breach, they did not produce such an effect as to knock down the place where the gun was situated. If that was all that could be done in that case, it might be concluded to be impossible for any great harm to happen to Portsmouth unless an enemy placed a great siege train on Portsdown. With respect to the propriety of defending Portsmouth and Plymouth against a *coup-de-main*, there was no difference of opinion; but it would be desirable that the Secretary for War should take more military evidence before involving the country in an enormous expense. Almost all the evidence taken before the Commission was naval evidence. It was incomprehensible that, although three artillery officers were examined before the Commission, they were not asked a question on the fundamental point at issue. What he wanted was that the Government should not spend enormous sums of money without really knowing whether they were going to lay it out in the right way. His opinions might be erroneous; but, having consulted with the highest authorities, he confessed that he regarded with doubt the proposed land defences. The Commissioners were no doubt anxious to give a fair estimate of the amount of expense to be incurred on account of the works they recommended; but he feared that the expenditure had not been carefully calculated. For example, they stated that 2,500 guns would be necessary, and that these would cost £500,000; but how much would the ammunition cost? Reckoning 300 or 400 rounds a gun, though 500 pounds would probably be nearer the mark, the ammunition would cost more than £1,250,000. Now, nobody objected to such an expenditure, or to double that amount, if it were necessary; he only wished to show that the Commissioners had not gone into details which would at once have suggested themselves to the minds of Artillery officers. There was only one member of this branch of the profession upon the Commission, and this officer, who was a friend of his own, had not had that experience of actual service that was so desirable. If more Artillery officers had been on the Commission, they would have origi-

Mr. Monsell

nated inquiries on points of detail which it was not likely would suggest themselves to the Commissioners without them. It was true that the House was referred, in confirmation of the Commissioners' Report, to a Committee presided over by the Commander-in-Chief; but, although the authority of individual military men was valuable and reliable, yet when you got a number of officers together, presided over by one occupying so distinguished a position, their aggregate authority was not of so much value as the opinion of any one of them when taken separately. That disposed of the only point which made any real impression on the House in favour of these land fortifications. He repeated that no one grudged the money which was asked for. All he wanted was that before spending it on land defences, to which the highest military authorities were entirely opposed, the Government would make further inquiry, so that they might not embark in an enormous outlay, which, after all, would fail to conduce to the security of the country.

SIR DE LACY EVANS said, that he had had no intention of addressing the House on that occasion; but the observations of his right hon. Friend obliged him to say a few words. He was not sure that that House was the best arena for the development of opinion on such a question; but his right hon. Friend (Mr. Monsell) had stated that every military man in the House was opposed to the plan. [Mr. MONSELL: Every military man who has spoken.] Now, he was under the necessity of saying that he should feel in an awkward position if he was to acquiesce in that statement, because he was the individual who proposed the Commission, and it would be extraordinary if he should shrink from the amount of responsibility which rested upon him for that Motion. On the first day that the present Government was in office, he went to the War Office, with the view of informing the Secretary for War of two Motions which he intended to submit to the House. The right hon. Gentleman was at that time absent in Wiltshire engaged about his election, and so he (Sir De Lacy Evans) went again on the 1st of July, laid the Motions before him, and inquired whether there was any time at which he should wish him to bring them forward. The one was for the abolition of purchase in the army, and for that he counted upon the right hon. Gentleman's support; the other was for the

appointment of a Commission to inquire into the whole state of the national defences. The right hon. Gentleman requested him not to propose the Motions until he should have an opportunity of consulting the noble Lord at the head of the Government, and week after week he renewed his request that the Motions should not be brought forward. At last, on the 25th July, he (Sir De Lacy Evans) insisted on bringing the Motion forward, and to his surprise the right hon. Gentleman then announced that he was entirely of the same opinion as himself. Such was the history of the appointment of the Commission. With regard to its composition, he agreed with his right hon. Friend that, although there were excellent men upon it, there might have been persons of greater weight. He also agreed with his right hon. Friend that the Artillery portion of it seemed to have been almost forgotten. Nor was it on that occasion only, but on many others also, that the important professional assistance which the Artillery officers could afford was entirely overlooked. He attributed that to the accident that the officers of the Engineers were more in communication with Members of the Government. There was one clever Artillery officer on the Commission, but, though an officer of great talent and great science, and likewise a great astronomer, he had never seen an enemy, and, therefore, he thought it a mistake not to have placed one or two Artillery officers of experience on the Commission. His right hon. Friend had referred to another Commission to which the decision of the former had been submitted; but there did not appear to be any officer of more experience on that Board. Nevertheless, no professional man could venture to criticise with severity any portion of the Report without having gone down to examine the various localities, which he believed none of them had done. He had looked over the scheme, and he believed it to be the Report of men of sense, and he felt that Government were entitled to a general support upon the intentions they had announced. The Secretary for War told them that Government had not adopted the Report in all its parts; for instance, they thought that five forts instead of eight on Portsdown Hill would be sufficient. He thought, then, if Government did carry out the Report, that considerable reductions in the expense might be made.

SIR FREDERIC SMITH also com-

plained that the Government had not consulted several of the many distinguished Artillery officers whose evidence would have been invaluable on this subject. With regard to the present Motion, he thought the Secretary for War had to a certain extent answered the objections of the hon. and learned Gentleman, because the schedule did show what the land and sea works were estimated to cost, and works so solid would not require much for maintenance. But, if the hon. and learned Gentleman had proposed to omit altogether the land defences, he had no doubt the Motion would have been carried. Although a great majority were ready to vote large sums of money for the defences of the country, and many Members would vote largely for sea defences, he believed that there were many who were not disposed to give their full assent to the proposition for land defences; and he thought there were very good grounds for not doing so. The question with regard to the defence of the dockyards was an Artillery question, and no Artillery officers of eminence had been asked their opinion upon it. His gallant Friend (Sir De Lacy Evans) did not intend to limit the inquiries of the Commission to the dockyard defences; he intended that these inquiries should take a wider scope, and include the defences of the realm; but neither his gallant Friend, who had commanded an army, nor any Generals of equal authority, had been asked their opinion upon the subject. It had been assumed that the Government endorsed the Report of the Commissioners; but it was not so—they had in fact declined to adopt a great portion of the propositions of the Commission. They had had recourse to a Committee to examine the Report of the Commission, and with the exception of the illustrious Duke at the head of the army, the Committee was composed of men of not greater authority than the Commission. No man was more willing than he was to vote money for the sea defences of Portsmouth; but the whole of those proposed in the Report of the Commissioners were not necessary, and the Secretary of War had reduced them. The points to which he most objected were the works at Portsdown Hill, and he objected to them for more reasons than one. The hon. Baronet the Member for Finsbury (Sir Morton Peto) knew very well that if a war broke out to-morrow works could be made in a fortnight on Portsdown Hill which would effectually keep an enemy from bom-

barding Portsmouth, and that it could be done for one-tenth of the expense now proposed for the forts to be constructed there. If, again, the works were only required in the event of an enemy having made a successful landing, he said that, unless they had no Volunteers, no standing army, and no Militia, an enemy could not make the march to Portsdown Hill and thus expose his flank and rear. Where were the enemy's supplies to come from? He could not capture Portsmouth by siege in less than a fortnight or three weeks. Every head of cattle and every stack of corn would be removed, and what would there be for the invaders to live upon? Did they suppose that an enemy could keep the command of the Channel for three weeks? He believed that was utterly impossible, and that the idea of the enemy sitting down on Portsdown Hill was the greatest nonsense ever talked of by military men. Even if Plymouth and Pembroke were taken for a time, the naval power of the country would not be lost while they had Portsmouth and Chatham. Chatham was the easiest defended from its situation. It would require a march of two days, with the enemy's rear and flank exposed, to attack Chatham, and therefore that could not be done. If, then, they took care of Portsmouth and Chatham, without making enormous landworks, they would do all that was necessary. He should not vote against the measure of the Government, because the responsibility was upon them, but he hoped they would apply the money to the sea defences, and leave the land defences for any occasion which might arise to render them necessary. The Secretary for War could use the blockships until the solid works were constructed in the Solent. Five works had been proposed by the Commissioners, but the Government had knocked two on the head and retained the three best. As to building works on Portsdown Hill, he hoped the Government would take the opinion of such men as Lord Seaton and of his gallant Friend the Member for Westminster, who knew what it was to command armies in the field. He hoped his hon. and learned Friend would not press his Motion to a division, but would take another opportunity of proposing that the landworks be postponed. If the Government only wanted to do something as far as £2,500,000 or £3,000,000 would go, they should lay out the whole in sea defences. The sea defences required a long time to erect. They could not be begun too

soon, and they could not be carried on too rapidly. When finished and armed with large guns it would be quite impossible for an enemy to pass them. Let the Government lay the money out in that way, and take further advice about Portsdown Hill. If they did take further advice he was convinced they would give up that part of the scheme altogether.

MR. BERNAL OSBORNE: I do not wish to add to the length of this debate, because after the large majority the other night on the Resolutions it is not for me to stand between the deliberate opinion of the House and its execution. But some things have been said to-night which I cannot allow to pass unnoticed. My noble Friend the founder of the Volunteers—and I say that not in a spirit of carping, but in a spirit of compliment—my noble Friend has talked of the carping criticism of my hon. and learned Friend the Member for Marylebone in moving this Amendment; but I must say that is rather unfair to my hon. and learned Friend, because, so far from pretending to give any engineering opinion, my hon. and learned Friend expressly guarded himself from even hinting one. He has undertaken the duty which he owes to the country as a Member of Parliament of expressing his opinion as to the imperfect estimates of the Government, and I think he is perfectly justified in giving that description to the estimates before the House. If hon. Members refer to the blue-book, they will see that these do not profess to be correct estimates. There is no estimate for the howitzers, mortars, and light guns, and no estimate for alterations in the water supply of Plymouth, which it is said can be cut off by an enemy. The estimate is most imperfect and most unsatisfactory, and nothing is so natural, if the House of Commons is worth anything at all, which I am very much inclined to doubt—I mean as controlling the expenditure of the nation—nothing is so natural as for a Member of Parliament in the position of my hon. and learned Friend to demand further information. The information is to my mind excessively scanty. I took the liberty of asking why, after all our financial arrangements had been made, this matter was brought forward at the end of the Session. The noble Lord joked the matter off, and led people to suppose that I wanted the dockyards to be in the middle of the country. I merely recommended that some portion of the store of timber should be removed inland, and brought

Sir Federic Smith

thence to the dockyards by railway. It has been recommended a thousand times, but the noble Lord feigned not to understand me, because it did not suit him to tackle my question—why is this plan brought forward at the end of the Session? I should like some answer to that question. There is another question to which I should like an answer. The most natural person to take up this question of £11,000,000 is the Chancellor of the Exchequer; but—you may call it carping criticism if you will—why is he never present, why has he never given an opinion upon this subject? Then, again, why is the right hon. Member for Ashton-under-Lyne (Mr. M. Gibson) never here when this subject is discussed? Why, in 1858 he brought in a Motion to cut down the Estimates altogether, and yet now, whenever this question comes on, he “cuts his stick.” The man who is for “peace at any price,” neither opposes this enormous expenditure nor offers us any explanation. Nothing can be more natural when the House is asked to vote £9,000,000, than that we should ask for every information, and therefore, instead of talking about “carping criticism,” I should have been astonished if my hon. and learned Friend had been satisfied with these Estimates. The noble Lord (Lord Elcho)—who, of course, has an interest in the question, for, if it be proved that fortifications are of no use, “Othello’s occupation will be gone,”—the noble Lord tenders his thanks to the Prime Minister for only asking £9,000,000. I also tender my thanks, although for a different reason—I am thankful that in the present spirit of the House of Commons, and that which prevails out of doors, he has not proposed to erect a complete Chinese wall round the island. Now, how has this panic been caused? Clearly by the speeches of Cabinet Ministers. A pamphlet has been put into my hands, written by a distinguished General officer, Sir Duncan M'Dougall—*French Invasion, in defiance of the Defences of Great Britain*. This is the way panics are created:—“The revelation I am now about to make upon authority will show the necessity of no time being lost in completing our national defences.” No time to be lost—mark, these fortifications are to be finished in four years! “A committee of French officers have worked out a special plan for an attack upon London, a copy, or a sufficient extract, of which was placed in the hands of one of the Ministers in October last.”

I should like to know whether that is true, for it would make a material difference in my vote. He goes on to say, that “in 1863 the French plan is to come over here, take London, and stop here three days.” You see he knows the whole plan. But what does that gallant Officer say of the plan of the Commissioners? He says,—“Instead of spending enormous sums on expensive fortifications in your arsenals and your dockyards, all that is necessary is to put them in a sufficient condition to resist a *coup de main*.” But they are going to build forts upon Portsdown Hill. I say nothing against the sea defences; but after the speech of the gallant Officer opposite (Sir Frederic Smith), one of the most distinguished Engineer officers in the service, I hope we shall hear no more about “carping criticisms,” for we have the highest professional authority to justify us in asking for further information. I think the House ought not to be run away with upon this subject, and ought not to be expected to take the Report of the Commissioners as decisive upon the matter. When we are talking about Estimates, let us remember that this House, which was to cost £750,000, has really cost £3,000,000. And so it will be with these fortifications. We know that at the beginning of the Session the Estimate for the Chinese War was £800,000, and already it has run up to £3,000,000. Precisely the same thing will happen with the Estimates for these fortifications. We cannot get any information upon this subject, for the Chancellor of the Exchequer is not here. I say he ought to be here to defend his plan. I ask what is the opinion of the Chancellor of the Exchequer upon this plan, and echo answers “Nothing.” Now, I have shown how panics are created—how these estimates are imperfect. I was astonished the other night to hear the Secretary for War say that Sir John Burgoyne, who had been against these defences, had changed his opinion. I was struck by that at the time, and the right hon. Gentleman accused me of not having read the blue-book; but will the House believe that Sir John Burgoyne changed his opinion about the Volunteers, and that was the reason why he changed his opinion upon this subject. But he changed his opinion to my side of the question, because the document quoted by the Secretary of War was a Report signed by the Duke of Cambridge, Sir John Burgoyne, and others, on the 22nd

of February, 1859, while the evidence of Sir John Burgoyne was given in November, 1859. When he gave that first opinion the Commission had not been issued and therefore I think the right hon. Gentleman was rather misleading the House into a false issue. The opinion, in fact, is one of those which are given under certain circumstances. No officer likes to dissent from his General; but when he was examined before the Commission Sir John Burgoyne gave his opinion hostilely to land fortifications. All criticisms, foreign or English, have been against the Commissioners, whose authority and whose data have alike been questioned. I can add nothing, but I think it is incumbent upon the House, before involving us in a ruinous expenditure for land fortifications, with the evidence before the Commission showing us that they will be of no avail, which all the Engineer officers in this House tell us are not called for, I think we should have further information. We are a House of Commons to control the expenditure of the nation. You may talk of throwing responsibility upon the Government, but, if these fortifications are built, what will be the responsibility of the Government if, at the end of eight years, they are found to be of no use? Their responsibility is nothing. All will be forgotten, but the people will say, "What fools the House of Commons were in 1860." The hon. Member for Harwich (Captain Jervis) referred to the Martello towers, and gave a long story of something that occurred in 1794; but every Engineer officer knows that those towers which the House of Commons of that day were so ready to vote money for—some millions were spent upon them—have been found to be perfectly useless for national defence. Surely that makes it very necessary that the House should pause before committing themselves to this ruinous expenditure upon Portsdown Hill. Mind, I draw a distinction between the seaboard and the land fortifications. I think, also, it behoves the Government to pause before committing themselves to this plan. It is the plan of seven respectable gentlemen, but still I think we have further information, further Engineer and Artillery evidence, as well as evidence from General officers of experience. What better man could there be to be examined than the hon. and gallant Member for Westminster? (Sir De Lacy Evans). He has seen the greatest siege of modern times, and yet his opinion was

never asked. We are not come to this pass yet that England is to be defended by Portsdown Hill. I repeat that upon the last evidence—that taken before the Commission as well as that of men of the greatest experience and highest reputation—I have no hesitation in saying that the House should be wary before committing itself to these gigantic fortifications on the land side.

SIR MORTON PETO thought the last speaker had only asked for such an inquiry before the money was voted as the case demanded. The House had not heard anything like approbation of the Government scheme from any one military or naval authority that had addressed them. The hon. and gallant Member for Chatham (Sir Frederic Smith) had expressed an opinion that the defences around Portsmouth should be composed of earthworks, and that they need occupy but little time; and if so experienced an officer expressed such an opinion, was the Government justified in asking for a Vote of Money for purposes antagonistic to such an opinion—antagonistic also to the opinion of Sir John Burgoyne? The course which the Government should have pursued should have been, not simply to take the Report of the Commission, but they should have had the evidence of all the first men in the country, and upon that evidence they should have presented to the House a complete scheme of fortifications of our dockyards and other places. They should not come and ask for a sum of money on account on estimates acknowledged to be incomplete, and therefore not deserving the confidence of the House. During the ten years he had had a seat in the House he had seen abundant proofs of the mischief of voting money without the security of distinct and carefully prepared plans, and particularly in the matter of fortifications. Take the Channel Islands for instance. The estimates were never sufficient, nor were the works worthy of the country. If the Government only showed that they had some mature plan the House would, he was sure, readily grant them all the money necessary for carrying it into effect. He believed that as regarded the defence of our dockyards from the land side a well-trained body of men would be able to raise in fourteen days earthworks sufficient for that purpose; and with respect to our defences from the seaside it should be remembered that no one could at present state what works of

that description would prove efficient. We were now expending £1,500,000 in constructing ships which it was supposed would be perfectly shot-proof; and if that supposition should be realized the whole of the proposed expenditure along our coasts would be almost completely useless. He hoped the House would not embark in that outlay before they had some carefully prepared plan, with its various details, under their consideration. He found that they were asked to vote a sum of £150,000 for the site of an arsenal in some central part of the country; but he thought that they ought not to sanction a proposal which was brought before them in so vague a manner. He felt persuaded that there was nothing in the present state of France which called for any haste on our part in dealing with that subject. He had been in France last week, and a gentleman connected with him had been in Cherbourg, and had told him that the only thing being done in that dockyard was the repair of Prince Napoleon's yacht. He believed that we had three times as much work being performed in any of our great dockyards as the French had in all their dockyards at the present moment.

MR. WHITE said, the opinion of people out of doors was, that this measure had been brought forward to divert public attention from an evil more imminent than a French invasion, namely, the invasion of the rights and privileges of the House of Commons by "another place." Looking at the measure itself, he was of opinion that the experience the House and the country had had of Government expenditure on previous occasions was not such as to induce the House to place much confidence in them for the proper application of the money the House was then called upon to vote. He would not refer more particularly to the expenditure at Alderney, Dover, Portland, and other parts of the coast, than to say that the disclosures which had taken place fully justified hon. Members in holding that opinion. He would, however, allude more at length to the expenditure during the last four years on the south coast, contiguous to the borough he represented. The application of public money there had been of the most wasteful character. A constituent of his, in writing to him on the subject, said, his opinions being confirmed by an Artillery officer who had served with distinction in India:—

"I do not hesitate to assert that the whole of the money expended in coast fortifications on the

Sussex coast during the last four or five years, amounting to more than £100,000, has been all wasted. At Littlehampton the fort is built on a boggy foundation, and the whole structure is now so insecure that the guns could not be fired if wanted. At Shoreham, the fort, costing, I am informed, nearly £20,000, mounts six heavy guns; the parapet of the western side is brought so close to the gun, that it will not traverse; and a foe landing to the west could not be touched until he landed on the shore. At Shoreham and Newhaven the guns could not be worked, from the fact that the beach is so near the guns, that a round shot striking it would have the effect of a discharge of grape shot. At Newhaven the range of the guns is not sufficient to prevent a landing at Seaford Bay, between Newhaven fort and Blatchington battery; and the parapet is so low that no protection is afforded to gunners working the guns."

Another reason why he (Mr. White) had not confidence in the measure proposed by the Government was the lack of knowledge of the subject displayed by the right hon. Gentleman, the Secretary at War. For instance, in the course of the last debate on this question, the right hon. Gentleman quoted the Emperor Napoleon I. as having said that the art of fortifications was the only art which had not changed for 2,000 years. He (Mr. White) was very much struck with that remark; but, on referring to the real statement of the Emperor, found that what he had said had reference to field-works, and not fortifications, and was to this effect:—

"This important branch (*i.e.* field-works) of the art of war, has made no progress since the times of the ancients; it is even inferior to what it was 2,000 years ago. Engineer officers should be encouraged in bringing this art to perfection, and in placing it on a level with the rest."

With regard to the fortifications, it was well known that the strength of a whole must be considered as the strength of the weakest part; and that one weak point in the whole range of works would be the very part of which the enemy would be first informed, and to which they would direct their attention. He deeply regretted one aspect of the question, which was this: that the noble Lord and others seemed to repose greater confidence in these stone works than in the people of England. It would appear from the speeches of certain noble Lords, that to put arms in the hands of the people, would be a calamity more terrible than a French invasion. He did not believe that the antecedents of the working classes justified the distrust that was felt of them. Put arms into their hands, and they would defend all that was valuable in our Constitution. Before the House was called upon to vote this grant,

the Militia ought to be developed to the utmost degree, and every assistance given to the Volunteer movement. It was a sound and statesmanlike observation of the noble Lord, that "the power to aggress frequently gave the desire to aggress;" and he was afraid that that would be the effect of the present scheme, and he should give his support to the Amendment.

VISCOUNT PALMERSTON: I had hoped that after the manifestation of the opinion of the House the other evening, we should not to-night have been led into a renewed discussion of matters which were then fully debated; but, of course, those who entertain strong opinions, have a perfect right to express them. We have to-night heard expressed the greatest possible diversity of opinions in reference to this question, and if it be the fact that truth is one and error is infinite, I may with great satisfaction contrast the settled opinion of Her Majesty's Government with the discordant and various sentiments of those who differ from us. My hon. Friend the Member for Liskeard (Mr. Osborne) complains of our delay in bringing this matter forward, and of the conduct of those Members of the Government who did not, out of respect for him and others, come down to hear the debate upon a question on which their minds are fully made up, and on which they had recorded their opinion in the recent division. He also found fault with me for bringing this question under the notice of the House myself. It appeared to me that this was not a Departmental, but an Imperial question. It turns upon considerations of a more general nature than are included in any one Department, and I therefore thought that it was a question which the head of the Government was bound to submit to the House. My hon. Friend the Member for Finsbury takes a different line. He complains of the precipitation with which we had brought this subject forward, and says that we have no definite plan. Now, so far from having brought this measure forward precipitately, without due consideration, or without a definite plan, we have had the subject investigated in the most accurate and deliberate manner by those who are competent authorities; and it was not until after repeated examinations that we brought forward that which is a definite plan, and which does contain in great detail all the arrangements which we think fit to recommend for the adoption of Parliament. It is curious to see how differ-

ently different Members have looked upon this question. Almost all are of opinion that defence is necessary. Even the hon. and gallant Member for Limerick (Colonel Dickson), who, as I understood him, began by saying that no defence was needed, and that we might trust to the good-will and friendship of foreign Powers, and that there was no danger of a hostile attack upon this country, admitted, towards the conclusion of his speech, that some additional defence was required, but said that he preferred an addition to our regular troops to the erection of fortifications. I may, therefore, assume that he is no exception to the general concurrence of opinion that some further defence is necessary. It is amusing to see the different views which different Members take of this subject, according to their different lines of thought. Military men, and those who have chiefly directed their attention to the manœuvres of troops in the field, say, "Do not give us fortifications, give us an important addition to the regular army:"—forgetting that a great addition to the regular army would be, perhaps, quite as expensive as these fortifications; that it would be good only for the single year for which it was voted, or that we must go on year after year maintaining in time of peace a disproportionate military establishment to stand in lieu of the permanent fortifications which we propose to erect. Military men are for troops. My hon. and gallant Friend the Member for Southwark and other naval men are for ships. He says—"Don't tell me of men on land—don't tell me of works—give me ships. If I have ships enough I will anchor them off Portsmouth and Plymouth, and will take care that those ports shall be safe whatever may happen to our interests in other parts of the world." Then come the lawyers. They have been modest, and have not stated their remedy. I suppose they would meet the enemy with an injunction, or issue against him a writ of *ne exeat regno* to prevent his leaving his own dominions. These are all mighty good methods; but, upon the whole, I am inclined to think that the majority the other evening were right when they voted that permanent defences will be the cheapest and most effectual for the purposes for which they are proposed. My hon. Friend (Mr. Osborne) said, "You might as well propose to surround the whole island with a Chinese wall." We do not pretend to defend by fortifications all the coast of the island.

It would be absurd to think of such a thing. What we propose to do is to defend by fortifications the most vulnerable points, those dockyards and arsenals which are the cradle of the naval power of the country, and the destruction of which would place you at the mercy of any Power that could arm a fleet and send it to sea. It is said, however, "Oh, we admit that you may defend them from an attack by sea; but we protest utterly against the attempt to defend them against an attack by land." Is there any sense in that argument? If these dockyards are important, and if it is essential to defend them, you must defend them at all points at which they may be attacked; and, therefore, to say that you will defend them on the sea but not on the land side is the greatest possible absurdity. My hon. Friend who has just addressed us said that nothing was stronger than its weakest part. I thank him for teaching me that word. It is perfectly true; and it would be useless to protect the dockyards from an attack by sea if you did not also defend them against an attack by land. Is it or is it not possible that they may be attacked on the land side? Why, everybody has admitted that it is impossible that we can prevent a landing upon our shores. It has been stated that there are 300 or 400 miles of coast upon which an enemy may land. We do not pretend to place works or troops all along that line of coast to prevent a landing. One of the arguments against these fortifications has been their insufficiency. We have been told that we ought to fortify and defend London. But what does that objection imply except that London may be attacked by an enemy landing upon the coast? and will it not be far easier for an enemy to attack on the land side Portsmouth or Plymouth, which are upon the sea, than London, which is inland? Will anybody in his senses pretend that it would be impossible for 10,000, 15,000, or a smaller force, to land within easy distance of Portsmouth or Plymouth, and if they were undefended, march and attack either of those places, and do that which they could not have done if they had approached it from the sea? It is said, however, that in a fortnight a certain number of men would throw up earthworks and fieldworks sufficient for the defence of those places. Now, military men will tell you that fieldworks are very good when there is a sufficient force behind them, but they will not

prevent a large force from overpowering a small one. Fieldworks are run over, and earthworks are taken by storm. What you want are works constructed upon a scientific principle which shall enable a small body of troops to maintain its position for a certain time—say two or three weeks—against a large force. That is the difference between fieldworks and regular fortifications; and no man who has read the history of war, and I am sure no man who has been engaged in war, will tell you that fieldworks can supersede these more regular works, which are intended to prevent a superior force from overpowering a smaller one. But great objection has been made to-night to the works at Portsdown Hill. I would ask any man who knows what the range of modern artillery is, and what is the distance to which shells can be thrown, to take the map and find out how far it is between Portsdown Hill and the dockyard at Portsmouth, and he will at once see that an enemy gaining a footing at the former point would be able to destroy Portsmouth by shells. It has been said that the experiments made at the Martello Tower at Eastbourne show that it is impossible from Portsdown Hill to inflict damage upon Portsmouth. I am unable to see the force of that argument. The damage to be done to Portsmouth from Portsdown Hill would not be done by trying with round shot to batter down or make a breach in the walls, but by throwing shells into the dockyard; and I say there is nothing to prevent the destruction of the dockyard if an enemy were to get to Portsdown Hill. I am astonished, Sir, at the difference of opinion expressed here on this matter; because, all those with whom I have spoken upon it out of doors agree that the want of works at Portsdown Hill was a weak point in the defence of Portsmouth. Unless, therefore, you strengthen Portsdown Hill against an enemy landing at a short distance either to the eastward or the westward, you will not have sea defences sufficient to protect that great and important naval arsenal. We are told that this scheme is the result of an undignified panic—that we ought rather to trust to the good will of neighbouring Powers—that our plan implies suspicion of the ruler of a neighbouring State, and apprehension of an immediate attack. Why, Sir, it does no such thing. I stated distinctly that the proposal which Her Majesty's Government are making is not

founded upon any distrust of any particular Sovereign or nation, but upon the deliberate conviction that this great country ought to be in a condition to defend its important and vulnerable points—that unless you are in a position to repel attack, you may at any time be exposed to it—and that your only security for the continuance of peace is the conviction on the part of those who might under any circumstances be led to assail you that you are able to defend yourselves. The hon. Member for Brighton (Mr. White) says that the Government have shown a distrust of the people, and that if we would put arms into the hands of the people they will be able to protect themselves. Why, that is a very strange as well as a very unjust accusation to bring against us, at the very moment when from day to day, from week to week, and from month to month, thousands of Her Majesty's subjects are enrolling themselves and receiving arms from the Government; when we already have 130,000 Volunteers, and are very likely to have perhaps double that number in the course of another twelve months. Nothing can be more unjust or unfounded than such an attack. But men are not sufficient unless you have works to defend those positions which can be most easily assailed. The object of these fortifications is, that a small number of men—perhaps not the best trained, or those who are the most capable of meeting an enemy in the field—may be able, behind those works, to defend the dockyards, and thus to be instrumental in supporting your naval superiority, while the rest of our forces are ready to meet the enemy in the field. My right hon. Friend the Secretary of State for War said again to-night, as has been said before, and as appears in these Reports, that, if you have not these fortifications, you must have a far larger force to defend in the field those dockyards which we propose to defend by protecting works; and that, so far from this arrangement being an expensive one, it is the one which, either in peace or war, will lead to the most economical application both of the resources and military means of the country. I trust, therefore, that the House will not to-night reverse their previous decision, or in any way impair the Vote which they passed the other evening; but that, if the hon. and learned Member should insist on pressing his Amendment to a division, they will show that it is their emphatic and deliberate conviction

Viscount Palmerston

that these important works should be sanctioned and carried out in as short a time as money and means will enable the Government to execute them.

Question put, "That the words proposed be left out stand part of the Question."

The House divided:—Ayes 143; Noes 32: Majority 111.

Main Question put, and *agreed to*.

Bill read 2^o, and *committed for To-morrow*.

Order for Committee (Supply) read.

Motion made, and Question proposed—"That Mr. Speaker do now leave the Chair."

THE ORDNANCE SURVEY—25-INCH SCALE—RESOLUTION.

SIR MORTON PETO rose to move that it is expedient to discontinue the Ordnance Survey on the 25-inch scale till the Survey on the 1-inch shall have been completed and published. In 1857 the question was discussed in a very full House, when it was decided by a very large majority that the 25-inch scale should be discontinued; and the noble Viscount, then, as now, at the head of the Government, stated that he regarded the vote at which the House had arrived as implying an opinion that no further survey should be made on the 25-inch scale:—where a survey had been already made on that scale, as in the case of Durham, it would of course remain as a matter of record, but he interpreted the vote of the House to mean that no further survey ought to be made, or should be made on that scale. Since the House came to that decision upward of £250,000 had been voted, and the greater part of it had been spent on the 25-inch scale. He held that when Parliament deliberately recorded its decision, it ought to be held binding by the Government, and acted on; and he did not doubt that the noble Viscount would assent to that principle. But now a Vote of £90,000 was asked for on account of the Ordnance Survey, irrespective of the expenses for military services, and a great part of that also would no doubt be spent on the 25-inch scale. That scale, which he had the authority of the late Mr. Stephenson for saying was perfectly useless, and ought not to be proceeded with, had been applied to seventeen counties, notwithstanding the pledge of the noble Viscount. The 1-inch scale had been

commenced in 1784, and was not yet completed, the attention of the surveyors having been from time to time diverted to channels of minor importance. Looking to foreign countries, there was no instance of any general survey of the size of 1 in 2,500. In France the scale was 1 in 80,000; in Russia 1 in 120,000; in Bavaria 1 in 50,000; and in Germany 1 in 200,000. The map of England and Scotland would measure about 600 yards by 300, and would be larger than the London Docks; twice the size of Lincoln's Inn-fields; it would take the whole century to complete it, and would cost between £2,000,000 and £3,000,000. It was not required in England, and could not be compared with the Tithe Commutation map, which was perfectly sufficient for every purpose. The size was so great that the alterations which must take place before it was completed would render it perfectly inefficient for ordinary purposes. It represented not only every hedge in the country but every tree; on which side of the hedge the drains had been cut, and the side on which every field gate opened. Ten miles square of the country to be mapped would cover twenty feet square. It would be impossible to examine the map of a county without a ladder, and of the country without a balloon. The 1-inch scale map was amply sufficient for every public purpose. He did not think it necessary to go into further detail. He hoped to receive a distinct assurance from the Government that this expenditure would no longer be proceeded with. He should ask that the decision of the House in 1857 should be registered in the Journals, so that if there was a change of Government the new Ministers might be bound by the recorded decision of the House.

SIR JOHN SHELLEY seconded the Motion.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it is expedient to discontinue the Ordnance Survey on the 25-inch scale till the Survey on the 1-inch scale shall have been completed and published'"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SIDNEY HERBERT said, that would perhaps shorten the discussion of the question if he were to state what the Government proposed to do. His hon. Friend seemed to mistake the object of the

25-inch survey. It was one thing to form a map and another thing to form a *cadastre*. The latter is the object of the 25-inch survey. He did not see why this expenditure should be in the Army Estimates at all, because it would be chiefly valuable as affording facilities in courts of law, and for the valuation of estates, a purpose for which the 1-inch scale was insufficient. With regard to the question of expense, it should be borne in mind that the expense of proceeding on the larger scale was considerably reduced by the invention of machinery, and the extensive application of photography to mapping, and that in consequence the 25-inch scale would be little more costly than the 6-inch scale, whilst it would be more effective for its purpose. The 25-inch scale contained within it the 6-inch scale to which it could easily be reduced, whereas you could not enlarge the 6-inch scale to the 25-inch. What the Government proposed to do was to discontinue this year the opening of any new ground, whether upon the 6 or the 25-inch scale, inasmuch as the full force of Colonel James' establishment would be required for the purposes of military survey. It was therefore proposed merely that he should complete the survey of the counties which had already been begun, which were, he believed, the four northern counties. It had been proposed to commence the survey in the south of England this year, and to work on to the north, but that the Government proposed to arrest now. Between this and next year the Government would have time to consider the question, and Parliament could pronounce a deliberate opinion as to whether the survey on the larger scale should be proceeded with, and to what extent.

MR. E. P. BOUVERIE said, he did not think the case was quite so clear with regard to the advantages of the 25-inch survey as the right hon. Gentleman seemed to imagine, inasmuch as strong evidence was given against it some years ago by some very eminent men. It had been carried out to a considerable extent in Scotland, and he thought it was desirable, before it was universally applied to England, to ascertain whether it had proved successful in the case of the former country or not.

GENERAL PEEL said, he would make use of that opportunity of apologizing to the House for an omission of duty on his part when he was Secretary for War in not making a statement of the course

which Lord Derby's Government had deemed it advisable to take in proceeding with the 25-inch scale. A Resolution had originally been moved by the House that the survey should be conducted on the 6-inch scale; but a Commission had subsequently been appointed whose members had come to the conclusion that a 25-inch scale was that which ought to be adopted. That being so, the Government of Lord Derby had come to the decision that the survey of a few of the northern counties should be carried out on that scale, but that nothing more should be done without the House having had the opportunity of coming to a decision. Afterwards the question having arisen as to whether a scale reduced from 25 to 6 inches would be sufficiently accurate he had appointed a Commission composed of eminent scientific men to investigate the point, whose opinion was that the proposed method would be found to be most correct, the variation, he believed, not exceeding the 400th part of an inch. It was under those circumstances that the alteration was made, and he must again apologize to the House for not having brought the subject under its notice before.

MR. MONSELL said, portions of this country had been surveyed on the 1-inch and portions on the 25-inch, while Ireland had been surveyed on the 6-inch scale, and that, if the House were to embark on a plan of re-survey on a 25-inch scale, they must be prepared for an expenditure of over £2,000,000 sterling.

COLONEL DUNNE thought a 25-inch survey would be a useless expenditure. The 6-inch survey had been found perfectly satisfactory for all practical purposes, and it might, if required, be enlarged by photographic operations without much expense.

MR. AUGUSTUS SMITH thought the statement of the right hon. Gentleman (Mr. Sidney Herbert) unsatisfactory, inasmuch as it gave them no assurance that when the military surveyors had completed their work in the four counties he had mentioned, the civil engineers who would succeed them would not go over the same ground for the 6-inch or 1-inch survey, which he thought would be a useless expense.

MR. SIDNEY HERBERT said, he would state the proportion which the unsurveyed bore to the surveyed parts of those counties when the Estimate relating to the point was before the House.

SIR WILLIAM JOLLIFFE said, that

General Peel

inasmuch as the expense of the survey would be partly reimbursed by the sale of the maps, he wished to point out that in remote and thinly peopled districts the sale of the new maps would be likely to be extremely limited, while, if the survey were confined to districts important because of the amount of their population, the extent of their commerce, or other causes, the contrary might be expected to be the case.

MR. CARDWELL said, that having been a Member of the Commission to which reference had been made, he was desirous of reminding the House that the recommendation of that Commission was that no further expense should be incurred in respect of either the 25-inch or the 6-inch survey until the 1-inch survey had been completed and had received the approval of Parliament.

SIR MORTON PETO said, that after the assurance which had been given by the right hon. Gentleman (Mr. S. Herbert) that no fresh ground should be broken until the 1-inch survey had been completed he would, with the permission of the House, withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. CONINGHAM asked, Whether the expense of the military surveys was to be considered additional to the Vote for fortifications.

MR. SIDNEY HERBERT replied in the negative.

Main Question put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee; MR. MASSEY in the Chair.

Question again proposed,

"That a sum not exceeding £100,440, be granted to Her Majesty, to defray the expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, and other Charges connected therewith, to the 31st day of March, 1861."

Motion, by leave, *withdrawn*.

Motion made, and Question proposed,

"That a sum not exceeding £60,000, be granted to Her Majesty, for carrying into effect the Contract for the Conveyance of Mails between Galway and Ports in America, to the 31st day of March, 1861."

MR. LAING said, that in proposing a Vote for what was known as the Galway Subsidy, as the subject was one of considerable interest, and as notice had been given of an intention to oppose the Vote, he

might be allowed to state shortly the precise position of the Government with respect to it. On the 21st of April last year the late Government entered into a contract with a company called the Atlantic Royal Mail Company for the conveyance of mails across the Atlantic. That contract was duly signed and executed between the representatives of the Company on the one hand, and the representatives of the Government on the other. It was in the usual form, with one exception—it contained the words “out of moneys to be voted by Parliament.” In all other respects it was a perfectly valid and binding legal document, as much so as any contract ever entered into by any Government. It excited a good deal of public interest at the time, and immediately on the assembling of the new Parliament after the dissolution it became the subject of considerable discussion in that House; but no Resolution was brought forward either affirming or negating the particular contract in question. On the motion of the Government, however, a Select Committee was appointed for the purpose of investigating the whole subject of contracts, and reporting to the House recommendations as to the manner in which such contracts should be carried into effect in future. That Committee entered into a very lengthened investigation, and in the case of one contract—the Dovor contract—it made a specific recommendation to the House that the money should not be voted. In the case of the Galway contract the Committee made two reports, but in neither did it offer any specific recommendation with respect to the withholding of the Vote. The Company, the contract being executed, and no proceedings being taken in the last Session of Parliament to stay its progress, in the usual course entered into contract for the building of four large steamers, at a cost of about £480,000. Those contracts proceeded. One of the vessels was completed and was now performing the service between Galway and America; another had been launched, and would be ready to start in the beginning of next month; the third would also be ready in the course of next month; and the fourth was in a state of great forwardness. Just before the contract commenced an arrangement was proposed for transferring it to the Canadian Government; but that arrangement was not sanctioned by the Government. They felt strongly the importance, if possible, of attending to the interests of Canada,

which had been overlooked in the original contract; but on going into the details of the proposed transfer it was found to involve so much new matter—the substitution of screw steamers for paddles, the alteration of some of the ports of arrival and departure, and the alteration of the times of sailing, penalties, and so on,—as to make it substantially a new contract. The Government felt so pledged to the House and the country not to enter into any new contract of this description without putting it up to public competition, that they could not with propriety sanction a transfer which might otherwise have been desirable. That proposal, therefore, fell to the ground, and the House must deal with the case as if that episode had never occurred. Under these circumstances the position of the Government was very simple. They had a contract which, beyond all question, was legally binding upon them. A Select Committee, which, after a lengthened investigation, had made a specific recommendation in the case of another contract, had concluded its labours without any recommendation to the House affecting the validity of the Galway contract. The Company had entered into engagements involving nearly half-a-million of money, and was in a position substantially to fulfil its part of the contract. The contract was not literally carried out as regarded the vessels, but the vessels were so nearly ready that the Government felt they could not propose to cancel the contract merely because a Company which had entered into an engagement for seven years was a few weeks behind, especially since it was ready to provide other vessels of sufficient size and power for performing the service in the meantime. If the contract was to be broken, it must be upon some broader ground. With a binding contract before them, with no Report adverse to it from the Select Committee, and with a substantial compliance with its terms on the part of the Company, the Government obviously had no course open to them, except to fulfil the legal obligations of the contract. They therefore proposed this Vote to the House, and intended to give it by their votes an honest and *bona fide* support. As far as the Government were concerned he might stop here; but as he served on the Select Committee, and concurred cordially with the majority of its members in refraining from recommending the cancelling of the contract, he might be permitted to say a few words to

justify the conclusion at which the majority of the Committee arrived. It would be admitted by every Gentleman in the House that when a contract had been entered into which was legal and valid, and in connection with which an outlay of nearly half a million of money had taken place, a Committee could not recommend the House to cancel such contract without some specific grounds for its proceeding. On what grounds, then, had it been suggested that such a recommendation might justly have been made? The first ground offered for breaking the contract was that of the general policy, or rather impolicy, of the engagement. In the present case the conclusion of the Committee undoubtedly was that the Galway contract was an impolitic and improvident arrangement. He did not say so in any party spirit, or for the purpose of imputing undue blame to the Government by whom the contract was made, because the evidence given before the Select Committee showed that neither party in that House had much to boast of with respect to mail contracts. It showed also how matters had got into an unsatisfactory condition. During the long and able administration of Mr. Wilson as Financial Secretary to the Treasury this description of business had fallen so completely into his hands that, on his removal owing to the frequent changes which subsequently took place, the record of such transactions in the Department had not been kept as it ought to have been. When he called the contract impolitic and improvident he should also say that it was a good contract in its general purport and object; for he thought, if there were to be any subsidies for the conveyance of mails across the Atlantic at all, that Ireland, which contributed one-third of the whole postage, and which, from its geographical position, afforded the nearest, and therefore the speediest, point of departure, might justly demand to have its claims considered. Admitting that as the nearest point to America Ireland was entitled to a packet service, the mode in which that service had been created might still be unsatisfactory. Persons might say that the contract had been made in violation of distinct pledges which had been given to Canada, that her interests should not be overlooked; that it had been made in violation of pledges given to an independent body of steamboat proprietors at Liverpool that nothing should be done without giving them full liberty of making tenders;

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and also in violation of the interests of British taxpayers, who were entitled to have services of such a nature put up to public competition. But admitting, to the fullest extent, all those objections, he was bound to express the strong feeling which he entertained that arrangements of this sort could not be set aside on mere grounds of general policy or impolicy. If a man for a long series of years trusted the conduct of a particular class of business to an agent, who ultimately made a mistake, it was not for the principal to turn round and repudiate what had been done at the expense of innocent parties. The practice of the House, whether rightly or wrongly, for a long period had been to leave the executive Government the arrangement of contracts of this description; and although many of these, no doubt, might have been impugned on grounds of general policy, there was no instance, he believed, in which the House had ever refused to vote the estimate for a contract entered into by the executive Government, on the ground merely that they had made a bad, or an impolitic arrangement. A conclusive reason why the House of Commons, even if upon the evidence they thought themselves justified in cancelling this contract, could not now do so with any justice or propriety, was, that last year would have been the time for doing so, and not the present. The general circumstances were equally well known then, and at that time the Company had not entered on the execution of their engagements by which they had incurred heavy pecuniary liabilities. It might have been possible to negative the contract then without injuring the parties concerned; but to do so now would be to entail upon them ruinous loss. There would, however, be no justice in cancelling the Galway contract on the ground of general impolicy, unless the House was prepared to take the same course with regard to the Cunard contract, which stood on precisely the same ground and was open to precisely the same objection. It seemed to him entirely beside the question to discuss whether the contract was more or less impolitic, unless some specific ground could be shown for setting it aside. A question had been raised whether that specific ground might not be found in the words—"out of moneys to be voted by Parliament;" and, undoubtedly, if the construction put upon them last year by the right hon. Gentleman the Member for Buckinghamshire had been

the correct one—if those words could have been held to mean a complete suspension of the whole proceedings until the judgment of Parliament had been obtained upon them—if they were, in fact, equivalent to the recommendation since made by the and Select Committee on Packet Contracts, adopted by the House, that there should be an express proviso that every contract should be subject to the judgment of Parliament—that, indeed, would have been a perfectly valid ground on which the House might have proceeded to exercise an unbiassed judgment on the policy of the Government. If that construction could have been maintained, it would have saved the Select Committee a vast deal of trouble; and, instead of sitting for three months, it might have arrived at a conclusion and terminated its labours in three days. But when the meaning of those words and the object with which they had been introduced came to be accurately sifted before the Committee, it was found that they really had no such purport at all. The hon. Baronet, the Member for Stamford (Sir Stafford Northcote), who was then Financial Secretary of the Treasury, stated that he had introduced them to save the Members of the Government personally from actions, which might otherwise be brought against them in the event of Parliament, for any reason, declining to sanction the contract. The internal evidence of the contract showed clearly that such was the case; because, according to the terms of the contract, it was to take effect from June in the present year; while the estimate for the contract could hardly have been voted before June or July; and, therefore, if the construction sought to be attached to it were valid, this absurd conclusion would have been arrived at—that the Company would have been obliged to incur an expenditure of £500,000 to build vessels, and to pay forfeiture, if they were not ready to perform their engagements by June, 1860; whereas, till July or August, as it proved, it would have been entirely uncertain whether or not Parliament would proceed to ratify the contract. To show that these words could not be carried further than to negative the possibility of an action against the members of the Government individually, he might appeal first to the judgment of the Committee, by whom the evidence had been investigated with great pains and minuteness, and, in the next place, to the plain and obvious construction of the document itself. The

House might, of course, negative the contract if they thought fit; but they must do so for sufficient reason, and not upon moral grounds merely. In the Dovor contract these same words, “out of moneys to be provided by Parliament,” were inserted; and it was held by the Dovor Committee that these words did not of themselves justify the House in repudiating the agreement; unless it could be shown that there was a specific intention of corrupt or collusive action on the part of the contractor. The decision which the House came to in that case, rested distinctly on the ground that, if they believed the evidence given before the Committee, there had been a specific charge of attempted corruption against the contractor. Another ground put forward as a possible justification for refusing to sanction the contract was, that the Company, from its first formation, had been in pecuniary difficulties; and that the certificate given to the late Government on which the contract was founded, had been probably an insufficient document. There, again, he thought the objection entirely beside the present question; for the Government had acted as the agent of Parliament; and if it had made a mistake in not fully investigating the solvency of the Company, previous to granting the contract, that mistake could not now be visited on innocent parties who had invested money in the undertaking. It was possible that if the circumstances of the Company had been investigated more rigidly in the first instance, grounds might have been found for not proceeding further with it; but as that had not been done, as the contract was executed, and as the Company, whatever its difficulties or embarrassments, had struggled through them, and managed to get their vessels built and in readiness to start, he did not see that Parliament had a right to go back to the previous condition of the Company, and to make their previous embarrassments a ground for refusing to fulfil the contract. The sole remaining ground was the only one which, in his opinion, could be fairly urged to excuse such a violent and extreme step; he referred now to the matter contained in the second Report from the Select Committee. It there appeared that an agreement had been entered into by the hon. Member for Galway (Mr. Lever), one of the promoters of the Company, with certain parties, according to which Mr. Lever was to pay a considerable sum of money to a gentleman named O'Malley Irwin, in

consideration of his influence and good offices in assisting to obtain the contract. Subsequently a dispute arose respecting the payment, and an action was brought against Mr. Lever, who pleaded that he had been induced to enter into this agreement, by representations of the great influence possessed by Mr. O'Malley Irwin and Mr. Holmes, with whom he was associated. He had no wish to bear at all hardly on the hon. Member for Galway; and he thought it right to recall the fact that Mr. Lever was not at that time a Member of that House. That Gentleman stated before the Committee that he was somewhat inexperienced in these transactions. He certainly had no difficulty in admitting the plea; for that any man, and still more a Manchester man, should have believed that the influence of Mr. O'Malley Irwin was worth £5,000 in hard cash, argued an amount of Arcadian simplicity for which he had been by no means prepared. The House, however, could not hesitate to come to the conclusion that agreements of such a nature deserved serious reprobation; and, however ridiculous contracts of that sort might appear, it was incumbent on the House to set its face resolutely against practices, which, if carried out on a large scale, would be productive of dangerous consequences. For these reasons he adopted heartily the recommendation which the Committee had unanimously made, that if the contract had been entered into with Mr. Lever personally it would have been proper to apply the same rule in his case as in that of Mr. Churchward upon the Dovor contract, and to refuse to sanction the Vote of money for its execution; but that the party contracted with being an independent Company, and the rights and interests of innocent individuals being involved, the question assumed a totally different aspect. The agreement was dated June 2, 1858, but the contract was not entered into until the 21st of April, 1859, almost a year subsequently. That was important, because if Mr. Lever had got the contract under that agreement, and had subsequently made it over to the Company, then it might have been held that they took it with all its consequences. If it was bad in Mr. Lever's hand, it could not have been good in theirs; but the fact was that the contract was made not the least in the world with Mr. Lever individually, but with the Company, comprising a number of independent directors and shareholders, represented by a chairman

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—the hon. Member for Sheffield (Mr. Roebuck); and everybody who knew the Spartan virtue of that hon. and learned Gentleman would say that he was the last man in the world to have anything to do with a transaction of that sort. Whether the contract was rightly or wrongly given it was apparent that it was given not with a view of conciliating Mr. Irwin, but to conciliate very important interests in Ireland. This part of the case was thoroughly sifted before the Committee, and nothing could be more ridiculous than the attempt to show that the parties to the agreement had ever given value for the money stipulated to be paid. The confidential interview with Lord Derby turned out to be a waylaying of his Lordship at the bottom of the Duke of York's steps on his way to the Treasury, and hanging on to him with considerable pertinacity until he found refuge in the friendly portals of his office. All the rest of the case broke down in a similar manner. Whatever, therefore, might have been the intention of the parties no one could say that the contract was obtained by the corrupt influence of Mr. Irwin or anybody else. It might have been made hastily and improvidently, and without due consideration to English or Canadian interests; but there was no pretence for saying that it was made corruptly. The case then came to this—was it fair to hold the independent shareholders of this Company responsible for the acts done by one of the directors more than ten months before the contract was obtained, and before the Company was formed? There was nothing in the contract itself to give the shareholders any warning that it was tainted with corruption. It was not as though any extravagant sum was to be given for the services performed. The bargain itself might be a bad one for the public; but, assuming that any subsidy was to be given, looking to the manner in which the service was to be performed, and the rate of mileage which was paid to the Cunard line, it was impossible to say that the sum which the Company was to receive was extravagantly high, or, in fact, more than it was necessary should be paid. It was argued that the rate of payment was altogether extravagant because the Canadian Government were ready to give a bonus of £30,000 a year to have the contract handed over to them; but the reason why they were in a position to do that was, that they were already paying a subsidy of £85,000

for a line of their own, and it was clear that by consolidating the two contracts and performing the two services with one line they would make a very good bargain. There was nothing, therefore, in the circumstances of the contract or the amount of the subsidy to lead the Company to suspect that the contract was a corrupt one. They saw a contract entered into in the usual way—they saw that no action was taken against it in the last Session of Parliament, a strong appeal was made to the national feelings of Irishmen to take shares in the undertaking, and a very large number of gentlemen, about 1,750, did come forward and subscribe money towards the undertaking, believing it to be for the interest of their country. It would be very hard, therefore, to sacrifice their interests, because a man over whom they had no control had made an imprudent and an improper agreement many months before. It might be argued that it would be possible to cancel the contract and give compensation to the shareholders; but such a course would be utterly out of the question, looking to the magnitude of the compensation which would be required. It would be impossible to draw a distinction between different classes of shareholders, and the compensation required would be to meet a capital of £450,000 to £500,000, which would be depreciated by at least one-half. The loss to be incurred by any attempt to compensate the shareholders would be far larger than any loss under the contract. The question, then, came to this—whether the House of Commons would submit to the loss which would be incurred by the difference between the amount of the subsidy and the postage which would be received—a loss in round numbers of some £48,000 a year—or whether they would incur the odium of repudiating a binding engagement. He hoped the question would be considered fairly on its merits by English Members without any reference to its being to some extent an Irish question. The time was come when no distinction ought to be drawn between England and Ireland in such matters. Ireland was entitled to be treated on the same footing as England. He hoped, therefore, that hon. Gentlemen would not be prejudiced in judging the question by any attempt to represent this as an Irish job. He put it on this footing—that a bargain is a bargain. He could imagine nothing worse for the character of the country than that under any possible pre-

tence the House of Commons should sanction a breach of faith, and thus set a precedent for future transactions of a similar character, which might end in the adoption of the American practice, which we had so often stigmatized, of repudiating inconvenient obligations.

MR. E. P. BOUVERIE felt as strongly as the hon. Secretary to the Treasury the importance of the House not earning for itself that character which attached to some of the Legislatures on the other side of the Atlantic; but the House owed it to its own dignity not to sanction transactions which would not bear investigation. He hoped that the hon. Gentlemen from the sister country would believe that in moving a direct negative to the Vote he was actuated by no feeling of hostility towards that portion of the kingdom. He trusted that his past votes and conduct in that House showed that he never was one of those disposed to treat Irishmen differently from the rest of Her Majesty's subjects. The present proposal was to vote £60,000 as a first instalment towards what was commonly called the Galway contract. The contract was for an annual payment of £78,000 for seven years; so that they were now asked for the first time to give their sanction to an arrangement which would involve an expenditure of public money to the amount of £546,000. If this Vote were passed no further opposition could be taken; and they must therefore be careful how they took the first step in the matter. If it were true that the House was bound by the contract, there would be no occasion to argue the matter, though they might grumble about being saddled with the payment of this large sum of money; but he was at issue with the Secretary to the Treasury on this point. This Galway contract was the first in which were inserted the words that the money was to be paid to the contractors "out of moneys to be provided by Parliament;" and there was the authority of the hon. Member who inserted those words, the Member for Stamford (Sir Stafford Northcote), to the effect that they were introduced with the distinct object of giving to Parliament an opportunity of pronouncing an opinion on the subject. Nay, more; the hon. Member told the Committee last year that the contractors in the Galway case objected to these words being introduced, but nevertheless took the contract subject to that condition. The Secretary to the Treasury stated that it was too late to dispute the matter now—

that it ought to have been disputed last year. He (Mr. Bouverie) did dispute it last year; and then the proposal was made that the facts should first be ascertained by the appointment of a Committee; and that when the Committee reported that would be the time to discuss the matter. How, then, could the Secretary of the Treasury have the face to say that it was too late—that the matter should have been disputed last year? The right hon. Member for Bucks told the House, on that very occasion, “that it might be satisfactory to him (Mr. Bouverie) to learn that it would be in the power of the House, when a Vote of money was proposed, to reject it entirely.” He hoped, therefore, they would hear nothing more of that argument. Let them deal with the question on its merits, and decide whether it was right to saddle the country with this expenditure for the next seven years. He wished to submit that this expenditure was, in the opinion of the best authorities, needless. It could not be considered by itself, for the taxpayers of this country were already saddled with the payment of £191,000 per annum for the very same service. Sir Samuel Cunard, who for twenty years had carried on the service with a skill and regularity which could not be too highly praised, had a contract which would expire in 1862; but in 1857 he applied to the Government, of which the noble Lord (Viscount Palmerston) was then the head, for a renewal of his contract, and, after careful consideration, the Treasury in March, 1858, passed a Minute, which though lauding Sir Samuel Cunard’s services, expressed on the part of the authorities their determination that the time had not come when they could fairly consider the question of the renewal of the contract. A change of Government took place, and in the same month Sir Samuel Cunard renewed his application, and that application was favourably entertained by the then Government—that of the party opposite; and in May, 1858, Sir Samuel Cunard obtained the renewal of his contract for five years from the expiration of the existing one. So that the country was already engaged, apart from the contract now under consideration, to pay for postal service to New York and Boston no less a sum than £191,000 per annum for seven years to come. Thus it was proposed that the two sums of £191,000 and £78,000 a year should be paid for a service which the Post Office authorities stated only produced £112,000 a year,

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and something like £150,000 a year would be paid by the public in pure loss for this postal service. Therefore, on general grounds the present Vote was objectionable, as being a needless expenditure not required for the postal service. Nothing could more clearly show how scandalous the whole thing was than the statement of Sir Rowland Hill, the Secretary of the Post Office, who said that he considered that both these contracts were unnecessary in a postal point of view for the public service; and even the Committee said that they could not but record their conviction that it was quite practicable to dispense with subsidies in such cases, and that no such subsidy as that with North America was required in order to secure a regular and efficient postal service. But that was not the ground on which he objected to the Vote. He objected altogether to the way in which the contract was entered into. It appeared from the statement of Mr. Stephenson, who was the head of the department connected with these matters, that it was the universal practice for the Financial Secretary to the Treasury to deal with these questions; so much so that this great question respecting the Cunard contract was stated by Mr. Hamilton to have been decided by himself alone, as Secretary to the Treasury, in spite of the previous contrary decision. With respect to the Galway contract, did it go through the regular course? Did the Secretary to the Treasury consider it? Nothing of the sort. Sir Stafford Northcote had nothing to do with it, and Mr. Hamilton likewise declined any responsibility connected with it; but it appeared that Lord Derby had sent to Mr. Stephenson to communicate with him on the subject, and had requested a memorandum from that gentleman on the matter. That memorandum was prepared, the tone of it rather implying that the thing ought not to be done; and then, contrary to all official practice, in breach of the invariable custom followed at the Treasury, Lord Derby wrote a Minute, directing that the contract with the Galway Company should be entered into. This was also in opposition to the deliberate advice of the Postmaster General, Lord Colchester, to whom the application for the contract had in the regular course been referred, and who, in a carefully reasoned paper, showed conclusively the inexpediency of entering into it upon general and special grounds. Lord Derby’s Minute was, moreover, in direct contravention of engagements made be-

tween the English and the Canadian Governments. Only two months before the Treasury gave a distinct pledge that this postal service between Galway and America, if carried out at all, should be put up to public competition. Canada complained, and he (Mr. Bouverie) thought with justice, of these subsidies. The Canadians had spent altogether, the shareholders and the province, some £20,000,000 of money, with a view of making a great line of communication by railway and ship canals between Western America and Europe. The line terminated at Portland, in Maine, in the United States, and the object of the Canadians was to attract the vast trade between Western America and Europe to that line; but they complained that the English Government were positively giving a bounty to lines of communication to the United States. In 1856 they urged these facts, the Governor of Canada bringing them under the notice of the home authorities, and the Treasury and the Colonial Office then practically pledged themselves by a Treasury Minute and by a letter of Mr. Labouchere's to the Canadian Government, that the Cunard contract should not be renewed without giving the Canadians an opportunity of representing their case. Not only, however, was the Cunard contract renewed without any such opportunity being given, but a fresh Company was subsidized and a fresh line of communication opened other than that wished by the colony. Lord Derby stated before the Committee that he knew nothing whatever of these things; but then what business had he to deal with the question? There was evidence that the papers were before him. Mr. Stephenson said so; Mr. Hamilton said he received the papers back from Lord Derby; and, though it was true the Treasury Minute and Mr. Labouchere's letter were not among them, it was equally true that the same day that the application was made for the Galway line, there was presented the long letter addressed to the Treasury on the subject of the Galway contract from the Montreal Shipping Company, whose line was subsidized by the colony, entreating to be allowed to compete. That letter ought to have been among those papers if the Treasury had done their duty, and ought to have called Lord Derby's attention to the subject. Lord Derby further disregarded the pledge given by the Treasury itself. There was a large ocean line of steamers which for many years had carried on an independent

service between New York and Liverpool. The manager of this line, seeing in the papers that communications were passing between the Treasury and the Galway Company, wrote to ask for permission to tender. This was not a very unreasonable request, and on the 9th of November, 1858, Sir Charles Trevelyan replied that it was the practice of the Treasury to invite tenders in such cases, thereby giving an opportunity of competing for the service to individuals who complied with the prescribed conditions. On the 18th of January following, the Galway Company sent in their application. On the 22nd of February, without the slightest reference to the promise given in Sir Charles Trevelyan's letter, Lord Derby's Minute authorized the contract between the Galway Company and the Government. Now, he was not going to impute to Lord Derby a wilful disregard of this pledge. No Gentleman could have so failed in his duty if he had been aware of such an undertaking; but he did complain that Lord Derby, taking the matter out of its ordinary course, and dealing with it in a manner never before known, should have been so regardless of his duty as to have neglected the fullest consideration of every document which could have been placed before him. What was the next stage in this transaction? He had stated that Mr. Hamilton and Sir Stafford Northcote repudiated having anything to do with it, and it was due to them to say that they seemed rather ashamed of the whole business. The Treasury Minute directed that the contract should be entered into provided proper security was given that the Company were able to perform their engagements. It was necessary, therefore, before the contract was formally concluded, that security should be given; and here came another strange part of the transaction. It was stated by Mr. Stephenson that the invariable practice of the Treasury had been to require from the parties contracting reasonable evidence of their ability to perform their undertaking. In this case the capital of the Company was £500,000. The Treasury wrote to say that the ordinary practice was to require proof that the nominal capital had been subscribed for, and 20 per cent paid up; but that in this particular case they would be satisfied with £200,000 being subscribed for and £100,000 paid up. The Company did not like this, and wrote to suggest another arrangement, which was that a certificate

should be given that 6,149 shares had been subscribed for and £3 paid upon them, which would amount to £18,400, representing a capital of £61,000; and, to make up the £100,000, that there should be a certificate showing that the full amount of £10 per share had been paid up on 11,100 shares, the same having been paid as cash for the purchase of ships, the nominal value of these shares being £111,000. Upon that certificate the Treasury Minute issued was,

“Write to the Admiralty, and state that my Lords have satisfied themselves of the financial position of the Company; the contract may be entered into.”

My Lords were uncommonly easily satisfied. Of this money £18,000 only was paid up, and £111,000 was represented by the ships of the company. What was the value of such a security, and what reliance was to be placed on a certificate which was in fact merely a letter written by one of the directors? He did not impute to the hon. Member for Galway that he knew it was worthless, but he had tested its value by calling for a return of the copy of the register of ships at the Custom House. The Return was laid on the table yesterday, and if hon. Gentlemen would take the trouble to look at it they would see these startling facts—that, with regard to two of the ships stated to belong to the Company the names of which were given to the Committee by the hon. Member for Galway, the Company had nothing to do with them; and that with regard to the others they were, it was true, in the hands of the Company at the time the certificate was given, not indeed wholly unincumbered, while on the very day after the contract was signed they were all mortgaged to persons who were clerks to great capitalists in the city, as security for a current account. Was not that a proof that up to that time it was a bubble Company and perfectly incapable of performing the obligations which it had undertaken? It also appeared by the Returns that the new ship which was now on its passage from America to Galway, the *Connaught*, was mortgaged to the builders to the full value. What explanation could be given of these transactions? He was not going to blink the matter. He could not understand why Lord Derby had taken this matter out of the ordinary course, except upon one explanation which he would state to the House. What was the date of this contract being entered into between

the Company and the Treasury? It was the 21st of April. What took place on the 19th of April? Parliament was dissolved, and he did not scruple to say that this was an election job, on a gigantic scale. Every hon. Member who, with an impartial mind, carefully attended to the evidence, would see that it all pointed that way. If this Company had been a *bona fide* concern, the House would have been bound to fulfil their engagement. They might condemn their agent, but they would have no right to avoid the contract. But then came the further part of the transaction to which the hon. Secretary to the Treasury had referred—namely, the disclosure of the conduct of one of the parties to the contract, the hon. Member for Galway. It was all very well to try to distinguish between the Galway Company and the hon. Member for Galway; but he could not make that distinction. Until within the last week or two the hon. Member was one of the directors of the Company, taking the most active part in its management, and negotiating on its account, and at present, according to his own statement, he held one-fourth of the shares. They were asked to implement a transaction with respect to which, in open Court, the Chief Baron of the Exchequer, trying an action of “*Irwin v. Lever*,” held this language. He asked the jury what they found. They said, “£1,000.” [An hon. MEMBER: What was the action for?] For work and labour on the part of Mr. Irwin for Mr. Lever in obtaining the contract from the Government. [An hon. MEMBER: How?] They would judge how from the words of the Lord Chief Baron. He said, “My direction would be the other way. In point of law, I very much doubt whether such an action can be brought at all.” The jury said, “We leave that in your Lordship’s hands.” The Chief Baron: “In point of law it is an attempt at corrupt practices. This kind of bargains must lead to the greatest possible mischief in public and political life.” This was the gentleman who, they were told, was the life and soul of the Company—who, they were told by the Parliamentary agent, was until very lately the presiding genius of the Company—who entered into negotiations last year with the Montreal Company for a transfer of the contract. He said that, with this Report before them, they would stultify themselves were they to confirm the contract. He lamented the position of the innocent shareholders; but it would be

more to the public advantage to pay them whatever was fair, and to free themselves from this seven years' engagement. It appeared that the Irish shareholders, though a numerous body, did not hold any great number of shares, and therefore the compensation to them would not involve a very large amount. But it should be borne in mind that the whole capital of the Company was only £500,000, not nearly all paid up, and that the payment under the contract would amount to £546,000, so that if they paid up every share in full they still would pay less than they would have to pay under this engagement. He had endeavoured to compress the facts into as narrow a compass as possible. This transaction, in his judgment, appeared to be shapen in iniquity, and conceived in fraud and corruption. He hoped, therefore, that the House would not, by giving its sanction to the contract, make itself a party to so culpable and disgraceful a transaction.

MR. WHITESIDE said, the right hon. Gentleman made the same charge last year in another instance, and signally failed; but to-night his failure was more conspicuous, because, having made the allegation with which he closed his speech, he had forgotten, in his zeal, to offer any proof by which it could be supported. The clear statement of the Secretary of the Treasury dispensed with the necessity of any lengthened address. He had looked over the list of subscribers, and he found they were as responsible and as independent gentlemen as any in the kingdom; and they had not subscribed the sum which had been stated, but four or five times that sum which had been paid up since the subsidy was granted. The first point which the right hon. Gentleman took was, that the contract was improvidently made, and he asked what business Lord Derby had to make it. His answer was, because Lord Derby was then First Lord of the Treasury. The argument of the right hon. Gentleman was that the Secretary ought to have made it—that the First Lord of the Treasury had no authority—that when the Secretary did it it was all right, and when the First Lord did it it was all wrong. They had heard a very curious fact—that the late Secretary of the Treasury, who appeared to have managed all these matters as he thought fit, had, now that he had gone to hold high office in India, left no record of certain transactions.

MR. LAING explained that what he had said was that, owing to changes in the Department, some of the papers might be overlooked.

MR. WHITESIDE thought it was a very extraordinary statement to be followed by the right hon. Gentleman's strong allegation that the Secretary managed as he thought fit; that he was not controlled in these matters by the First Lord, and that he left no records behind him. But here was a specimen of the management of the right hon. Gentleman who was now in India when he was Secretary to the Treasury:—

"The case, likewise, of the contract with the European and Australian Company, formed in 1857, strongly illustrates the defects of the existing system. That contract involved a yearly subsidy of £185,000, of which one-half was to be paid by the Australian Colonies, who had no opportunity of being consulted in the framing of the contract; so that special circumspection was required. The offerers preferred were a new company without previous experience, and who had no ships fit for the work. One of these, the *Oneida*, which was reported against by the professional officer of the Admiralty, and had not the horse-power or the tonnage required by the contract, broke down on her first voyage. Time was not kept, and, although the Colonies complained, no steps had been taken to insure the fulfilment of the contract with suitable vessels. The company in one year lost their capital (£400,000); the service proved a complete failure, and great risk of an interruption of the postal communication was incurred. This contract had been entirely arranged by the Financial Secretary, whose acts in such matters, according to the usage of the Department, require no confirmation by any other authority."

He wondered how that transaction had escaped the vigilant eye of the right hon. Gentleman. What were the facts of the present contract. That from the very day it was made the service had been faithfully, diligently, and well performed, and that time had been better kept than on the Cunard line. He believed that time was expected to be fully kept by the last ship which had been constructed. [*Laughter.*] It was not a subject for laughter. The speed of the vessel had been tried, and he believed the result was all that could be desired. The new vessels from Holyhead had been built to travel twenty miles per hour, and if vessels could do that across the Atlantic they would make better passages than the Cunard ships. The *Great Britain*, the *Africa*, and another vessel had met with accidents, but between Galway and America there had been no instance of failure although the attempt was now made to condemn the Company and their ships.

The Post Office authorities had the power to enforce the performance of the contract, and they had done so in one instance by exacting a penalty for the substitution of a screw vessel for a paddle steamer. They were quite right in exacting the rigid observance of the engagements, and the Company could not complain of their doing so. When there was a contract capable of being enforced by penalties, when the ships to perform the contract were in running order, and when since the subsidy a sum of £175,000 had been subscribed by solvent men, it was ridiculous to talk about the Company beginning without the means of performing the contract when, in fact, the contract had been performed. Then as to the contract having been granted by Lord Derby, did the right hon. Gentleman suppose that the idea of a packet communication between Galway and America was taken up suddenly upon the eve of an election? [Mr. E. BOUVIER: Decidedly so.] The right hon. Gentleman was labouring under a complete delusion. The subject had been actively debated in Ireland for nine or ten years. About seven or eight years ago there was a committee formed in Dublin, of which he (Mr. Whiteside) was a member, to consider the best mode of establishing a communication between Galway and America. During the existence of that committee an American Gentleman called upon him and said, "You will never get what you want, for England will never allow you to do anything that will be prejudicial to her own interests. Give me the contract to work in New York, and I will get it done; but you will never have it from England." He (Mr. Whiteside) did not like that statement, and moreover did not believe it, for he was sure that if a thing were really for the benefit of Ireland it would not be opposed in England. He would just mention what an eminent manufacturer of the North of Ireland said in answer to the question of how a packet communication with America from Galway would affect him. He said, "We have little trade with France or the Continent, and under the treaty we may have less; but we have a large trade with America, and there is no chance whatever of the regular Atlantic traders calling at any of the ports of Ireland, unless a direct communication were established between Ireland and America. Every ship from thence passes our shores; our bills, our moneys, our letters, all go past our shores, and if we had

Mr. Whiteside

a local Parliament we should not be refused a communication with America." If the right hon. Gentleman had made his speech in an Irish Parliament there would soon be a vote of "no confidence" in him. Surely the answer of the merchant he had quoted was a sensible one. It was stated that there were 4,000,000 persons of Irish descent in the United States, one-half of them having been born in Ireland. The postal communication between the two countries was enormous, and why was that not to be considered? There was a belief in Ireland that the opposition to the contract arose, not from a desire to benefit the country, but to withhold the advantage if possible. The Committee reported that they did not question the advantage to Ireland of a direct steam traffic to America, nor the advantage to the country generally, as long as there was no telegraphic communication, of a speedy transmission of messages. The Committee reported also that the price was moderate, and the same thing was said by Mr. Stephenson, to whom the right hon. Gentleman had referred. It was common sense to say that it was of great advantage to Ireland to have speedy communication with a country with which she had greater intercourse than with all the rest of the world. Then they were told of corruption. If there were corruption the Committee ought to vote against the contract; but where was the corruption? It was always easy to catch at small points, and so it was said the contract was signed on the 19th of April and the dissolution occurred shortly afterwards. But the exertions to get this contract had been going on for months and years, and the arrangement was actually concluded on the 22nd of February. The right hon. Gentleman said the dissolution occurred shortly after the signature of the contract, and thereupon charitably concluded that the two circumstances were connected. Lord Derby made the contract and did not disguise it; but it was sent to Mr. Stephenson, who made a report, he being the officer to whom such matters were usually referred. He said, "The question, after all, is an Irish one." The right hon. Gentleman would perhaps understand the importance of the matter better if he were to bear in mind that the railway from the West to the North of Ireland would be speedily completed, and the distance from Belfast to Galway would be accomplished in three hours. Thus all the linen trade of Belfast might pass to

America by the West. Scotland, too, would be a gainer by having a speedy communication with the western world. The ships which had performed this contract had carried four times the number of passengers that had been carried by the Cunard ships—in some of them 600 at a time—and that more cheaply and more conveniently. To be sure that was not a matter of political economy, and mere human life and comfort did not interest some gentlemen. The undertaking was viewed with such interest that the gentry of Galway were only prevented by a rule of the House of Lords from levying a tax upon themselves to improve the harbour and provide accommodation for the steamers. Surely, as they were now voting large sums for fortifications, it might be thought very desirable to have the means of speedy communication along our coasts. Where was the fraud that was imputed? There were a dozen pamphlets, written by most respectable men, of good position, all in favour of the contract. The Post Office authorities were watchful—nay, hypercritical, and had actually enforced a penalty stipulated in the contract. Then there was a talk about there having been no competition. He remembered a Gentleman complaining that a contract for stamps had been accepted without any competition being allowed, and the Treasury said then, “We are not bound always to admit competition.” He had read over the case to which the right hon. Gentleman had referred—of *Irwin v. Lever*, and a more absurd one he never heard of. No corruption, however, was proved on that trial, and the verdict was not worth a farthing. [Mr. E. P. Bouverie: £1,000.] It was not worth 6*d.*, he could assure the right hon. Gentleman the Member for Kilmarnock. It was, taken altogether, a ridiculous case; but to repudiate on such grounds a contract as against shareholders, who knew no more of these transactions than of the man in the moon, would be most unjust. That was not a case either of legal, moral, or personal fraud. Mr. Lever was a man of great activity, zeal, and energy, and Ireland had a right to such a contract. Years ago the great scheme of Lord George Bentinck for making railways in Ireland was unfortunately rejected by the House. The railway to Galway was afterwards made, and the present contract was a natural sequence to the railway. If the Committee now confirmed the contract, and that it was judiciously acted upon, it would be

admitted in after years that a more wise, beneficial, and valuable improvement was never made than the speedy communication now proposed between Galway and the opposite coast of the Atlantic.

Mr. CRAWFORD said, that as a Member of the Committee upstairs he was anxious to draw the attention of the Committee to a point which had had considerable weight with him. This contract was dated the 21st of April last year, and one of the conditions was that the Company bound themselves in the sum of £20,000 by way of liquidated or ascertained damages if their ships were not ready by the month of June, 1860. Power was reserved to Parliament to withhold payment of the amount if it should see fit to do so. But Parliament had not been called upon until this time to exercise the option of voting the money or not. He maintained that the two things were inconsistent. If Parliament were to exercise its option, it should have done so before the Company were called upon to find the money for the building of the ships. He should not go into the general question, but he entirely concurred in the argument that the people of Ireland were entitled to a direct communication between Galway and America. He should give his vote for the Motion, on the ground he had mentioned, that if Parliament were to exercise the option referred to, that option should have been exercised anterior to the time that the Company were bound under heavy penalties to raise money for the building of the ships.

Sir FRANCIS BARING regretted that the Chairman of the Select Committee was not present; but, in his absence, he felt bound to set the right hon. and learned Gentleman right in regard to the opinion of the Committee. He had led the House to believe that the Committee had expressed an opinion in favour of the contract. That was not so. The Committee had carefully reported the facts, and had as carefully abstained from expressing an opinion on the affair, either one way or the other. He wished it to be distinctly understood that he, and those who thought with him, had no objection to a direct communication between Ireland and America. On the contrary, they thought it very desirable if it could be properly effected; but they objected to this contract on the substantial ground of its demerits. If the Committee should repudiate this contract, he should expect that the Government

would put it up to competition, and give either to Galway or any other Irish port the opportunity of competing for it. All he asked was that if, instead of spending £78,000 in this contract, the work could be done for £35,000 the saving should be made. The parties who wished to compete for this contract had been promised it should be put up to competition, but it had not been done. When it was known that the capabilities of Galway harbour were being considered, Limerick put in a claim, and was promised that its advantages should also be considered. That promise likewise was not kept. In the same way, Canada was not allowed to be heard. Then again, Lord Derby promised that there should be a searching inquiry as to the solvency of the Company; but so far was that from being done, that even ordinary precautions were omitted. A distinct declaration was also made that the subject should be fully discussed in the House, and yet they were now told they had no discretion in the matter. The law proceedings which the right hon. Gentleman (Mr. Whiteside) had described as so ridiculous and so unworthy of credit, made so deep an impression on the Committee that they unanimously decided that if the matter rested with Mr. Lever alone, they would recommend the House to throw up the contract. The declaration which Mr. Lever himself put in, charging Mr. Irwin with having fraudulently represented himself as having great political influence when he had none, satisfied the Committee that an attempt had at least been made to procure the contract by improper means. He owned that the transfer of Mr. Lever's interest in the concern to other parties, complicated matters. He thought the case of the parties to whom the contract had been made over a very hard one, and deserving of consideration, but he warned the House that it would be highly dangerous to lay down the rule that, although a contract had been in the first instance obtained by intrigue, they were precluded from discussing it, when transferred to another party. He feared very much the House had not yet learned all the circumstances pertaining to the Galway contract.

MR. DISRAELI: The right hon. Gentleman the Member for Portsmouth (Sir Francis Baring) cannot accuse me of having defrauded him of the opportunity I promised him of discussing the question. The interpretation I place upon those expres-

Sir Francis Baring

sions which were introduced into the contract was offered to the House last year. They appear to me perspicuous and precise, and I do not in any way shrink from attaching to them their full force. I cannot for a moment doubt anything that was said by my hon. Friend and late Colleague, the Member for Stamford (Sir Stafford Northcote), who, unfortunately, is not now in his place. I have no doubt he made use of the expressions which he is reported to have employed before the Committee as to the motive which induced him to recommend the introduction of the terms in question. I assented to it, because I had for some time been of opinion that from the change which had been made in paying the gross revenue into the Exchequer, which before afforded the means by which a Government could fulfil a contract without applying to the House, it had become absolutely necessary that some expressions of this kind should be introduced into these documents. But I have no wish that this question should be decided on any technical points whatever. I wish it to be considered on its merits. I had the opportunity of making myself acquainted at the time with the merits of the question, and it was from a sincere conviction that the course taken by the Government with regard to steam communication between Galway and America was a judicious and politic one, highly beneficial to both countries and especially to Ireland, that I recommended its adoption. It is said it was a hasty and improvident arrangement. If these expressions were used by the Secretary to the Treasury in an apologetic vein as to the conduct of the late Government, I, for one, cannot assent to them. The arrangement was not a hurried one. To my mind it was not an improvident one. The matter was long and well considered; and it was after a mature decision on our part that it was greatly for the advantage of Ireland in particular, and of the kingdom generally, that the contract should be entered into, that we assented to it. Neither can I admit that it was an improvident contract; because every one whom I consulted at the time, or with whom I have since conversed, has agreed that its terms were by no means of an excessive, but of a moderate character. Nor have I heard to-night, or during the prolonged accusations of last year, that any one asserts that the terms of this contract were in any degree of an unusual character. But it was said that it was made in

an unusual manner. The right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) says that the way in which these contracts are usually managed is that they are left entirely to the Financial Secretary of the Treasury. I say that as describing the general manner in which the business of the Treasury is conducted, the statement of the right hon. Gentleman is entirely inaccurate, and is refuted by the very gentleman by whose testimony he endeavoured to support it. What was the evidence of Mr. Stephenson upon this point? His answer to Question 438 is,—

“The application would be addressed, in point of form, to the Secretary of the Treasury. The Financial Secretary would be the principal organ of the Government acting upon it, under, of course, the order and direction of the Chancellor of the Exchequer and the First Lord of the Treasury.

“Ultimately the decision rests with the Chancellor of the Exchequer and the First Lord of the Treasury?—Undoubtedly.”

That evidence does not justify the statement of the right hon. Gentleman.

MR. E. P. BOUVERIE: Question No. 1846, Mr. Stephenson was asked:—

“Then, there was nothing new in the practice of Mr. Wilson when he was Financial Secretary?”

And his answer was:—

“There was nothing new so far as the business of the Treasury was concerned. That class of business has always been exclusively in the hands of the Financial Secretary.”

MR. DISRAELI: That evidence is of a partial and limited character, and refers only to an individual mode of conducting business; but that which I have quoted refers to the general method of transacting business, the responsibility resting with the Chancellor of the Exchequer and the First Lord of the Treasury. It is not accurate to say that business of this kind is left entirely to the Financial Secretary of the Treasury. I fully admit that for some time previous to our accession to office this business had been exclusively left to the Financial Secretary of the Treasury; and great dissatisfaction—I am not now discussing what were the results of that system—great dissatisfaction was produced by its being so left to him. And what happens under those circumstances? Why, the First Lord of the Treasury says, “When a case of this kind occurs I will look into the matter myself.” And this is brought

forward as a charge against Lord Derby that he absolutely would not trust the examination of this business to a subordinate officer, but would himself look into it. There are many men opposite to me who have been colleagues of Lord Derby, and know that he is, above all men, a man of detail and inferior to none in his power of working. Lord Derby sent for these papers, and I have no doubt that he read them all, thoroughly examined, and well considered them. Unfortunately, there were papers wanting to complete the case when the documents were sent to the Earl of Derby; but I never had any information that those papers referring to the understanding with the Canadian Government were to be found, nor am I now informed that they are to be found in the Treasury. I can only explain their absence by that expression, afterwards explained, which was made by the Secretary of the Treasury with respect to the imperfect record which, unfortunately, upon this kind of business, has been left in the Treasury. No information ever came to my knowledge, nor have I heard that any has been found at the Treasury with respect to that understanding with the Canadian Government.

MR. E. P. BOUVERIE: Mr. Hamilton produced the Minute.

MR. DISRAELI: But it did not come from the Treasury. We ought to have found that record in the Treasury. There was an imperfect record in the Treasury; and though one regrets that the understanding with the Canadian Government should not have been literally fulfilled, I cannot regret the consequences as regards the undertaking now before the House, because I maintain that it was impossible that this country could have made an arrangement more advantageous, considering the great objects that were involved than this Galway contract. Well, then, it is said that the Treasury had published a letter addressed to an American company, promising that in case any new operations of this kind were determined upon they should be open to competition. Nothing of the kind occurred. An application was made at the Treasury, and a formal letter was written in answer, stating that the practice of the Treasury was that when these contracts were entered into they were open to competition, but it said no more. It did not engage that these contracts should be open to competition. Every Government has reserved and ought

to reserve to itself the right of entering into any contract which they think for the public benefit without throwing them open to public competition. There may be special reasons which render it of the utmost importance that contracts should be so entered into, and very frequently the Government have acted upon that principle. They act upon their responsibility, and if you can afterwards show that the terms of the contract are extravagant, and beyond what would have had to be paid if it had been granted by competition you have some ground of complaint; but in this case that ground does not exist, because all are agreed that the terms of this contract are reasonable and moderate. So much for the reflections which have been cast upon the manner in which this contract was negotiated. But there is one other point which I ought to notice under this head. It is the corrupt motive by which we are said to have been influenced in signing this contract. The right hon. Gentleman the Member for Kilmarnock, who has a great desire to use strong language, but has not improved upon his declamation of last year, has, in what is erroneously called strong language—because it is a mistake to suppose that because expressions are violent they therefore possess strength—but what I should call very weak language—asserted that this contract was signed on the 20th of April, and that the dissolution of Parliament immediately took place; and upon that assertion he founds a charge of corruption. But the Treasury Minute authorizing the contract, which every one knows is virtually the contract, was signed on the 22nd of February, and every one also knows that at that period nobody dreamed of a dissolution of Parliament. Under such circumstances the right hon. Gentleman is not justified in making such a charge. It was not a hasty charge. It was one which was made last year. He has been brooding over it since then, and now repeats it. What will he do next year? Will he, when the next Vote is asked for, repeat the charge? Will he, in the teeth of the fact, that the Treasury Minute was signed on the 22nd of February, assert that the only motive for that signature was the dissolution of Parliament, which did not take place till months afterwards? I have now touched upon all the points, so far as I can recall them, which are imputed against the Government in regard to this transaction.

Mr. Disraeli

But what really was the conduct of the Government? In looking at small points of detail we are forgetting the great object which was at stake. I have here a memorial from merchants and bankers of almost every city in the empire which was presented to me in Downing Street, and of which I will read only three lines—

“And your memorialists submit that the port of Galway, from natural and other advantages which it possesses, offers unrivalled opportunities for extending such means of communication.”

Who signs that memorial? I find that the first name is that of Messrs. N. Rothschild and Sons, a firm represented, I believe, in this House, by two Gentlemen who, probably, will not vote against this contract. I am surprised that I do not see,—but it may be here—the name of the house with which, at least, the ancestor of the right hon. Baronet (Sir Francis Baring) was connected; but there is hardly a great merchant or a great banker in the City of London whose name is not to be found appended to this memorial. There are also signatures from Birmingham, Bolton, Dukinfield, Hull, Hyde, Leeds, Liverpool, Manchester, Sheffield, of course, Newcastle-upon-Tyne, Shields, Stockport, Staleybridge, and Wolverhampton; and then, coming to Ireland, from Armagh, Athlone, and, in fact, from every town in that country—there must be thousands of signatures, representing the whole commercial and banking capital of the United Kingdom; and then we are told that this is some job to gain a vote at an election—some invention of adventurers, who have taken in a ministry who themselves acted from a corrupt motive. If there ever was any plan more sanctioned than another by that enlightened public opinion, which, on such a subject, should influence a Minister, this surely was that plan. Sir, I can say most sincerely that in entering into this contract we were actuated, after mature deliberation, by the conviction that we were taking a step which would be eminently advantageous to Ireland. I was perfectly aware at the time, and also shortly afterwards—and we have very obvious evidence of the fact—that there were bodies in this country who would be dissatisfied with the course we adopted. There is, no doubt, very great jealousy in some communities and among some bodies in this country against what I may call Irish enterprise. There is very great jealousy in more than one great town in England if you at all sanction anything

like commercial enterprise in Ireland. I think such a feeling most unreasonable; for if you come to consider the matter you will find that Great Britain has the lion's share of contracts of this nature. Surely Southampton, with its £600,000 a year in subsidies; surely Liverpool, with its hundred thousands a year in subsidies—need not grudge distant Galway—so happily situated for the object, as is universally admitted by the great body of merchants of the United Kingdom—this assistance from the State, which is calculated to develop the wealth and commercial spirit of a country where it is of the utmost importance to encourage those qualities. I should say this opposition has arisen too much from local jealousy. And I think the Ministry have taken a wise course, although I cannot entirely agree with all the little criticisms offered upon our conduct, in supporting this contract, and in not sanctioning imputations originally brought forward, perhaps, to damage a Government at the risk of seriously prejudicing a great national interest.

MR. ROEBUCK: I promise not to occupy the time of the Committee more than five minutes; but, after the way in which my name has been mentioned, it will not be thought wonderful that I should now rise. The right hon. Member for Kilmarnock (Mr. Bouverie) has accused somebody—it is not certain whom—of corruption. It has been stated before that the contract which we are now discussing was mainly negotiated by myself; so that, if there be corruption, I must have something to do with it. Then the person on the other side, representing the Government, is Lord Derby. Thus the two persons entering into this corrupt bargain are, first of all, Lord Derby and myself. Now, Sir, what motive had I? I recollect stating some time last year that my motive was a general motive—that I thought a great object was to be attained, and a great benefit conferred upon Ireland. And I remember the right hon. Member for Portsmouth (Sir Francis Baring) looked on me with perfect astonishment, which he expressed pretty much in words—to think that anybody could act upon such a motive. He gave the House to understand that he fancied I must have some personal object. [SIR FRANCIS BARING: No.] Well, if there be no personal object in myself, who negotiated this contract—if there be no personal object in Lord Derby, who, as it is stated, also negotiated it—where is the

corruption? "Oh," but it is said, "Mr. Lever has had a corrupt motive." Now, Sir, there is nothing in a case of this sort like getting hold of some one who can be made a scapegoat. Mr. Lever is that scapegoat, and he is to carry all the sins of the people into the wilderness. How does he show his corrupt motive? Why, having expended a large sum of money in ships, he sells those ships to the Company. Does he get money for them? Not a bit of it. He gets the shares of the Company, and if the Company failed his money is lost. I want to know how a man can better evidence his perfect belief in the feasibility of the adventure into which he is entering than by advancing his own money and that of his friends entirely in the concern, and not receiving back the money from the Company, but taking its shares that can only be of value if the Company succeed? What harm has been done by this contract? I will tell you where the harm is done. There may be persons competing for this business in Liverpool—there may be competing Companies, and the advantage to be derived by Ireland from the route between Galway and America may involve the diversion of the trade which now goes by Liverpool to Galway. Therein lies the secret of this opposition. I entered into this affair not at all foreseeing what I was about to meet; but I found out pretty quickly that I had, as it were, thrust my hand into a hornet's nest. I was stung on every side. Imputations were cast upon me of the foulest description, and it was supposed when this subsidy was obtained that I had made a great fortune. Sir, it was stated—and I can hardly now repeat the imputation without laughing—that I acquired thereby £5,000 a year. This was seriously believed, and people distinctly asked me whether I had not made a great sum of money by this subsidy being given to the Galway Company. Now, I want to know, if we look at the whole proceeding as men of common sense, whether there is anything in the transaction but what is done every day in this trade, and without which the trade can never be carried on. You have gained communication with America much more rapidly than you could have it without this subsidy. That is what I assert; and I should like to have a distinct denial of it. To obtain that rapid communication you must go to great expense; the ordinary returns of the trade would not pay for it.

The whole community deriving a great benefit from this improvement, you come upon them for a portion of the expense. That is the whole sum and substance of the matter. It thus becomes a commercial transaction, and there is no corruption in it. The right hon. Gentleman (Mr. Disraeli) talks of the strong language employed on this occasion. Strong in one sense it is, for it is very abusive. That is the right word to use. And I say that anybody who can come forward and thus shower down the epithets of "corruption," "baseness," and "disgraceful" upon a transaction of this kind must himself be utterly incapable of judging of what is truly disgraceful. There is, I think, a disgrace attaching to unfounded imputations. There is also a cowardice in them. And it is very easy behind the shield of great virtue to shoot the poisoned arrow at a man with the hope of doing him an injury when he cannot do an injury in return. Now, I call that cowardly. Sir, after a life spent as mine has been, I can afford to bear imputations of this sort. When this contract was entered into, I being one of the parties chiefly concerned in negotiating it with the Government, I say I had never heard of Mr. O'Malley Irwin—I say I never saw him—till I went into the court of justice, and that he had no more to do with this contract than I now have with the moon. He is now known to be a convicted forger. To think that that man should be brought into competition and should be placed here as a sort of means of wounding me, I say is disgraceful to those who have used such poisoned arrows. I am in a position to laugh them to scorn, as I now do laugh to scorn both those who have shot the arrows and the arrows themselves.

SIR FRANCIS BARING explained that he had not the slightest intention of throwing any imputation upon the hon. and learned Member for Sheffield. And the inconvenience and annoyance which that hon. Member had suffered, probably arose, as he himself said, from his having put his hand into a hornet's nest.

MR. J. C. EWART, who spoke amid much interruption, assured the House that he had no wish to deprive Galway, Londonderry, Dublin, or Limerick of any beneficial contract; because he was perfectly assured that what was good for Ireland, was good also for England generally, and for Liverpool in particular.

MR. HUBBARD said, that having been

Mr. Roebuck

a Member of the Committee, and having had no opportunity of expressing his opinion to the House upon this subject, he trusted that they would now hear him. He must first take exception to the opening speech from the Secretary to the Treasury, which he heartily trusted did not express the opinions of the Government. He must say one word in reference to the Dovor contract. He could not approve of the grounds on which that contract was cancelled, for although ample and valid reasons might have been alleged, the only one put forward in the Report of the Committee was an imputation of political corruption in the intention of the contractor—a most insufficient reason, as he thought; but in the case of the Galway packets, the contract was, in his judgment, void from its very origin, for it was obtained through gross misrepresentation. The contract was executed in virtue of a memorandum issued by the Prime Minister in the teeth of an adverse opinion from the Postmaster General, and without any communication with the Admiralty. The Earl of Derby had stated in his evidence before the Committee that the contract was granted because the interests of Ireland and of England required it, and it must be admitted that Lord Derby was fully justified in forming an opinion to that effect, if the mass of evidence referred to by the right hon. Gentleman the Member for Bucks was to be depended upon. But that evidence—that series of memorials and depositions, was it reliable? How was it procured? In March, Mr. Lever meets casually a Mr. Irwin—a man (as he represents himself) of extensive influence, a bosom friend of Mr. Walpole, and an intimate of Lord Palmerston's, and he enlists him as his agent. In June, he executes an agreement to give Mr. Irwin and his ally, Mr. Holmes, £10,000, on the condition of their procuring for his Galway Packet Company a subsidy of £170,000 from the Government. Was it astonishing that, stimulated by such a bait, Mr. Irwin should move heaven and earth to obtain the subsidy, and that he should by activity and perseverance procure the numerously-signed memorials which had influenced the opinion of the Prime Minister? The history of the City memorial may serve to illustrate the character of all the rest. Mr. Irwin, who was certainly not embarrassed by excessive modesty, plies so pertinaciously the secretary of a great capitalist, that to get rid of his importunity

the capitalist is induced to sign the memorial prepared by Mr. Irwin. This talisman secured, the rest is easily managed; plenty of men are found to follow so eminent a leader, and at Lloyd's Coffee House the under-writers unhesitatingly attached their names. The example of London is irresistible in the provinces, and Mr. Irwin earns his commission by presenting a mass of memorials in favour of the Galway Packet scheme, most formidable in bulk, but utterly valueless, as a ground for opinion in such a weighty matter. The original memorandum of the Treasury conceded the contract, conditionally on the financial power of the Lever Company being satisfactorily proved; but the statement by the Company for that purpose was most illusory; it treated expected subscriptions of capital as actual subscriptions, and ranked among their means six vessels, five of which were unserviceable for the purposes of the contract, and some of which, being largely mortgaged, were not really the property of the Company. Lord Derby has specially disavowed having wished to relax the stringency of the stipulation as to the means of the Company; but it is only by degrees that the whole extent of the deception involved in their financial statement has transpired. He did not find in the course of the investigation to which he had been a party any evidence whatever which could warrant an imputation to the late Government of having acted from corrupt or dishonourable motives; they had been deceived, but as they had reserved an appeal to the House by specifically stipulating that the subsidy should be "payable out of monies voted by Parliament," there was yet time to remedy the evil result of their incaution. The Irish Members seemed very generally anxious to confirm the contract, but he submitted to them that they should vote upon this contract, not as an Irish but as an Imperial question; for they might be assured that if the contract took effect the bulk of the subsidy taken from the national Treasury would be wasted as effectually as if it were literally thrown into the Atlantic, while the miserable fragments which Ireland alone could gather would ill compensate for the reproach of profiting by a bargain, injurious to the State, and obtained through most discreditable means.

Question put,

The Committee divided:—Ayes 145;
Noes 39: Majority 106.

Vote agreed to; House resumed. Resolu-

tion to be reported *To-morrow*. Committee to sit again *To-morrow* at Twelve of the Clock.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at half after
Two o'clock.

HOUSE OF LORDS,

Friday, August 10, 1860.

MINUTES.] PUBLIC BILLS.—1^a Industrial Schools Act (1857) Amendment.

2^a Poor Relief, &c. (Ireland); Chancery Evidence Commission; European Forces (India); Poor Law Board Continuance; Local Government Supplemental (No. 2); East India Stock Transfer, &c.

3^a Militia Ballot; Tramways (Ireland).

POOR RELIEF, &c. (IRELAND), BILL.

RESOLUTION OF URGENCY. SECOND READING.

LORD WODEHOUSE in moving the Resolution permitting the Bill to be now read the second time, said it had been asked on a previous evening why this Bill had not been brought forward so as to give their Lordships an opportunity of more maturely considering its provisions. The fact was that at an early period of the Session the Secretary for Ireland introduced a general measure on the subject of the Irish Poor Law; but the pressure of other business obliged him to give up that Bill and bring in another for continuing the administration of the existing law for one year. The present Bill, therefore, contained continuing clauses, and also a provision for economizing the establishment in the employment of medical inspectors. Two other clauses had been added—one for the regulation of the law by which persons in the occupation of a quarter of an acre of land are not allowed to receive out-door relief introduced at the instance of Mr. Hennessy; and the other enabling boards of guardians to place out in families infants under twelve years of age, which was adopted from the Bill of Lord Naas, the only alteration being the insertion of twelve instead of ten years. The former of these clauses he did not mean now to press as not being urgent; but as under the present system it appeared that there had been a considerable mortality, he trusted their Lordships would consent that the other clause should be maintained.

Moved to Resolve,

"That as regards the said Bill, inasmuch as the Poor Law Commission in Ireland will, if not renewed, expire at the close of the present Session of Parliament, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary."

LORD MONTEAGLE said he considered the clause relating to the placing out of children open to most serious objection. It was not to provide relief for children out of the workhouse under the care of their parents, but to place them with other persons. Anything more objectionable he could not conceive. He considered it a bounty upon the desertion of children. He recommended that the clause should be omitted from the present Bill, and let a Committee be appointed next year, and if upon examination it was found necessary for the purposes of humanity and for the better care of the children, he should not object to it.

THE MARQUESS OF WESTMEATH said, that if there was not a proper system of workhouse accommodation it was the fault of the Poor Law Commissioners. He submitted to their Lordships that it would be well for the Commissioners to take steps to provide proper arrangements in the workhouses for these children rather than to send them out in the way proposed.

LORD REDESDALE contended that it was expedient a Continuance Bill should be simply that which it professed to be, and that clauses foreign to its immediate object should not be introduced into it as was in the present instance the case. So strongly did he feel upon the point that he should next Session take occasion to move a Standing Order on the subject. What they had to consider on the present Motion was what was urgent and what was not. The first and second clauses he was prepared to admit were of such urgency as to render it desirable that they should before Parliament broke up be passed into law; but then the third and fourth, he maintained, required detailed consideration, more especially the former, which made no provision whatsoever with respect to the religious principles in which the children to whom it related should be brought up. By the fourth clause, also, an important alteration of the law was proposed; and he felt it, under those circumstances, to be his duty to move an Amendment—a course which was not without precedent, for a similar Amendment had received the assent of their Lordships in 1857

Lord Wodehouse

—to the effect that, while it was desirable the first and second clauses should be proceeded with, it was not advisable to pass the third or fourth.

Amendment moved,

"To leave out from the word 'That' to the End of the Motion, and insert 'as the Powers of the Poor Law Commissioners will expire and those of other Officers be rendered inoperative unless the same be continued as provided for in the Manner proposed by the First and Second Clauses of the said Bill, the Circumstances which render Legislation on the Subject Matter of the said Clauses expedient are of such Urgency as to render the immediate Consideration of the same necessary, and that the said Bill should be read a Second Time for the Purpose of passing the said Clauses only.'"

LORD TAUNTON thought it would not be well to accede to the Motion of the noble Lord (Lord Redesdale) inasmuch as it might furnish a dangerous precedent in the case of other Bills which might come under their Lordships' consideration. At the same time, taking into account the late period of the Session, he would appeal to the Government whether it would not be better to withdraw the third clause also.

EARL GRANVILLE was also of opinion that there were strong objections to the adoption of the course proposed by the noble Lord opposite,—that it went far beyond the occasion, and that it was not fair to put such a construction upon the Resolution against the second reading of Bills after the 27th of July as to say that all the clauses in those Bills which were of urgency might be proceeded with, while those which were deemed to be not of such character should be postponed. The Government were, however, in the hands of the House in the matter, and if good reasons against the passing of Clause 3 on its own merits were urged—which had not yet been done,—and if a large majority of their Lordships should appear to be opposed to it, he should not, while entertaining his own views with respect to it, press it against the sense of the House.

THE EARL OF DERBY said, he was disposed to support the Resolution of his noble Friend (Lord Redesdale), inasmuch as it enunciated an intelligible principle, and for which, moreover, a precedent was set in 1857. He was strongly of opinion that in the case in which a measure came up to their Lordships' House under the plea of being a Continuance Bill, and they were asked by the Government to read it a second time on the ground of its urgency, it was not expedient that they should be called upon to deal with new clauses and

provisions which could not be said to be of an urgent nature at all. That the Irish Poor Law Board should not be allowed to expire was, he admitted, a matter of urgency, and furnished a sufficient reason for suspending a Standing Order of the House to prevent the occurrence of such an event; but the case was entirely different when it was sought to take a similar course with reference to provisions which were foreign to the professed object of the Bill, and which were introduced into it under no pressure. As he was informed, it had been determined to appoint a Commission next year to inquire into the working of the Irish Poor Law Commission, and to suggest remedies for those defects which might be apparent. If that was so, or any general measure for the amendment of the Irish Poor Law was intended, that was an additional reason for adhering to the spirit of the Resolution which the House had agreed to, of throwing no obstacles in the way of the Government with reference to what was urgent, and for refusing to discuss that which, whether right or wrong in itself, could not be held to be matter of urgency, so as to escape the operation of the general rule. He could not agree that the House was not to discuss the details of a Bill on a Motion like this for immediate consideration; for he wished to know how it was possible to ascertain whether or not a Bill was of an urgent character except by discussing the details. If it were agreed that all details should be excluded, and that the measure should be merely a Continuance Bill, the difficulty vanished at once; but if the Government insisted on introducing a number of new clauses, those on the opposite benches were bound to show that these new clauses were matter of urgency. Apart altogether from the merits of the case, he thought it very inexpedient that a discussion should be introduced at present on the 3rd and 4th Clauses of the Bill. And in supporting the Amendment of his noble Friend, he must fairly state that he did so with the object of assisting to lay down, as far as was in his power, a principle by which their Lordships would be guided in their future action in regard to Bills of this description, and to add another precedent to those which already existed for the conduct of public business.

THE EARL OF DESART also protested against any new clauses being introduced into a Continuance Bill, which it was proposed to pass on the ground of urgency,

and that such a Bill should be pressed upon the attention of a jaded House with a view to smuggling it through.

THE MARQUESS OF CLANRICARDE wished to obtain from the noble Lord the President of the Council an assurance as to the course which the Government would pursue with reference to the objectionable clauses.

EARL GRANVILLE replied that, as all those who had spoken on the Ministerial side of the House had expressed objection to the clauses, and as none of those by whom the clauses had last year been originated had now said a word in their favour, it was quite clear that the sense of the House was opposed to them. He should, therefore, suggest to his noble Friend to give up the third and fourth clauses when the House got into Committee; but at the same time he hoped their Lordships would feel that the Resolution as it stood was a very proper one to be adopted.

On Question, Whether the words proposed to be left out shall stand part of the Motion,

Their Lordships *divided*:—Contents 30; Not-Contents 34: Majority 4.

Resolved in the Negative.

Then the said Motion, as amended, was *agreed to*.

Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

CHANCERY EVIDENCE COMMISSION BILL. RESOLUTION OF URGENCY. SECOND READING.

THE LORD CHANCELLOR moved to *Resolve*—

“That as regards Two Reports of the Commissioners appointed to inquire into the Mode of taking Evidence in Chancery and its Effects, Doubts being entertained whether Effect can be given to the Recommendations contained in such Reports by General Orders of the Court without the Authority of Parliament; and such Doubts not having been suggested or foreseen until the Commencement of this Month; and it being of the greatest importance that such Doubts should be removed, and that Rules and Orders should forthwith be made for the Purpose of carrying the Recommendations contained in the said Reports, or some of them, into effect; the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary.”

Resolution agreed to.

Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House *To-morrow*.

MILITIA BALLOT BILL.

THIRD READING.

EARL DE GREY AND RIPON, in moving the third reading of this Bill, said the noble Earl (the Earl of Derby) had suggested on a former evening that the age fixed in the Bill should be lowered from 18 to 16. He had consulted his right hon. Friend the Secretary of State for War on the subject, and, after full consideration, it appeared that there were reasons which rendered it unadvisable at present. The Government had also determined to persevere in their intention of reducing the limit at the other end from 35 to 30. The schedule would therefore remain as it stood at present in the Bill, and the liability to the ballot would be from 18 to 30 years of age.

THE EARL OF DERBY said, that he had objected to the reduction of the age from 35 to 30, because many men would be able to render good service in the Militia at the latter age, when they would not be available for the regular army, while at the same time it would extend the area of liability. In the same way, lads of from 16 to 18 years of age, though they might not be fit for service in the field, would be very competent for service in the Militia; and at the end of the period of service namely, five years, they would be 21, when such as felt inclined to enlist, would form a most valuable addition to the army. So long as they did not go beyond the physical capacity of the men, he thought the greater the extension of the age at which persons were liable to the ballot the better; while at the same time, by increasing the number of the persons liable to the ballot they would render the ballot less oppressive to the people. From 18 to 35 were the ages he should prefer; but if 30 were taken for the one limit, he thought the other should be lowered to 16. However, as her Majesty's Government had expressed their opinion on the matter, and had avowed a determination not to alter the clause, he would not put them to the trouble of dividing the House on the question.

THE EARL OF ELLENBOROUGH said, he was not aware that an English boy of 16 was less strong, hardy, or brave than an Italian boy of the same age; yet it was well known that by far the larger proportion of the army under Garibaldi was composed of youths between 16 and 20.

LORD DENMAN said, that Von Archenholz, the historian of the Seven Years'

War, when 14, was engaged in actual service in the field, and he thought it would be a very good plan to extend the limits of liability to the ballot from the age of 14 to the age of 33.

Bill read 3^a.

On Question that the Bill do pass,

THE MARQUESS OF SALISBURY expressed his opinion that the extension at least to the age of 33 would be a great improvement in the Bill.

THE DUKE OF CAMBRIDGE pointed out that it would only be in cases of urgent necessity that the ballot would be put in force, and the recruits which would be obtained by reducing the age so low as 16 would not be of much use for service in the field. He said that even in the regular army in time of peace the age of recruits was from 18 to 20, and in time of war it was only reduced to 16.

THE EARL OF DERBY said, that in time of war, when there was a great demand for recruits for the army, and it was found necessary to extend the age at which men could enter it, it was always found that the militia ballot formed a serious impediment to recruiting, simply because a much larger amount could be obtained by a substitute for the Militia than the bounty given for entering the army; and if they fixed the period at the precise age at which men entered the army, they very much interfered with its recruiting, the substitutes being for the most part drawn from the very class from which the army was recruited. To remedy that inconvenience he wished to include in the liability to the ballot a class of men not so liable to become recruits—those who never could serve in the army might do so in the Militia.

LORD REDESDALE suggested that 17 should be fixed as the limit.

THE EARL OF ELLENBOROUGH said, that any one who would go to Eaton would see 400 young gentlemen, every one of them under 17, going through their exercises in a very excellent manner.

EARL GRANVILLE said, that the reason why the Government did not think such extension advisable was that to a certain extent the militia ballot was contrary to our general usages, being the substitution of compulsory for voluntary service; and they thought by confining it within reasonable limits, as respected the age of persons liable to the ballot it would lose much of that unpopularity which would otherwise inevitably attach to it. The lower the scale the larger the number of persons who

would be found unfit for the military service, and the greater the chance of being compelled to have resort to the second Ballot. The question of the extension, both upwards and downwards, had been very carefully considered at the War Office, and on the whole, Her Majesty's Ministers thought it would be better to pass the Bill in its present form.

Further Amendments made; Bill *passed*, and sent to the Commons.

EUROPEAN FORCES (INDIA) BILL.

RESOLUTION OF URGENCY. SECOND READING.

THE DUKE OF ARGYLL said : * During the last few years questions of great importance in reference to the affairs of India have been brought with more than usual frequency under the attention of Parliament; and on almost all of those questions more or less difference of opinion has prevailed. But I think I may say with truth that on no subject has the difference of opinion been so great or so keenly contested as on the question which this Bill is intended to decide. In truth, my Lords, I believe that the amalgamation of the European forces of the late East India Company's service with the forces of the Line was long considered one of the main difficulties in the way of the transference of the Government of India from the Company to the Crown. I well recollect that in the discussions in 1853, during the Administration of Lord Aberdeen, on the "renewal of the charter," when various alternatives were before us, it was considered that the difficulties in the way of an amalgamation of the two armies were among the most serious of those which precluded any proposal being at that time made for the transference of the Government from the Company to the Crown. Nevertheless, after a few short years, the occurrence of intervening events and the progress of discussion, has brought about such a change that a Bill has come up to effect that object, carried by an overwhelming majority in the other House—a majority not of a party nature, but, on the contrary, consisting of all the political parties into which that House is divided, and I should be guilty of affectation if I pretended to expect any serious probability of its being rejected by your Lordships. Yet I am sure that it is the opinion of the House that this is not a Motion which ought to be made as a mere matter of course. It affects too nearly the interests of the Indian Govern-

ment; and, although I hope it does not affect the interests of any individuals, yet it affects too nearly the long-cherished convictions of a body of men of whom I may say with truth that England has every reason to be proud, to entitle the Government to deal with it in any stage without proving, as far as they can, that it has received due attention, and that every view of the subject has been carefully considered.

Although, therefore, I trust that it is an unopposed measure by the great majority of your Lordships, I think I am justified in laying before the House, in some detail, the grounds upon which the Government has proceeded. And inasmuch as many arguments urged against the amalgamation of the European local army with the army of the Line are derived not so much from the specific provisions of the Bill as from certain indirect consequences which it is assumed will follow it; let me direct attention to what the Bill is, and to what it is not—to what it does, and to what it does not do.

In the first place, then, although many arguments would lead us to suppose that it is so, this is not a Bill for the abolition of the local army of India. After its provisions have come into full operation there will still be a large local army, composed of the Natives of various tribes, who are trained to our military service; and although I do not deny that many changes will be the natural consequence of this measure, yet, if on other grounds it were considered advisable, you might continue the present system of management, and, to a large extent, the present system of officering the local army without the smallest interference as far as regards the provisions of this Bill. In the next place, it is not, properly speaking, a Bill for the abolition even of the European local army. The whole of the regiments of the late East India Company which have any historical recollections will preserve their identity, although the terms of service will be altered. They will retain their ancient names and banners, and the recollections of all their great achievements. The direct consequence of this Bill is simply this, that it will be out of the power of the Secretary of State for India to enlist for the future any European soldiers exclusively for the local service of that country; and thus, after a few years, all the corps which are now local will become corps for the general service of the empire, liable in their turn

to all the exigencies and requirements connected with the defence of Her Majesty's dominions.

Now, my Lords, I do not at all mean to depreciate the importance of the change which I have thus attempted to describe. At the same time I am prepared to argue that the importance and scope of that change has been very much exaggerated. A paper has been laid on your Lordships' table of great importance—no less than the protest of Sir James Outram, who lately occupied the position of President of the Council of India. That distinguished Officer describes the change in these words:—"It is an organic change in that military system under which India has been won and kept." I venture to say, in spite of the assent of my noble Friend opposite to this assertion (the Earl of Ellenborough) that, so far as concerns either the provisions of this measure, or its necessary consequences, such language is chargeable with very great exaggeration. One would suppose from this language that India had been won and had been kept, if not entirely, at least in a main degree, by the European army of the East India Company. I venture to dispute that assertion altogether; and as it is a matter of some importance, I trust the House will allow me to direct attention for a few moments to some of the facts connected with the past history of the European force in India. Before doing so, allow me to say that whatever is the amount of change which this Bill effects, it is a change infinitely less organic than that which was the only other alternative presented for the adoption of the Government. I beg the House to recollect that the maintenance of the *status quo* is not in question. None of the officers of the local army, and none of the public men who have espoused their views, contend for the maintenance of a small European local army. The question is, not whether we should retain the army which existed, but whether we should create a new army very much increased in numbers and in many respects very differently composed. I think I shall be able to prove, having regard to the past history of India, that the institution of a great and powerful European force separated from the army of the Line would be a far greater change than that which we propose—namely, that the comparatively small army which has hitherto existed shall be amalgamated with the Line.

In the first charter of the East India

The Duke of Argyll

Company, in the time of William III., no limitation was placed on the powers of the Company as to the number of European troops which they might raise. They were enabled to raise as many recruits as were found necessary for the "defence of their forts and possessions." At that time I need hardly say, it was not foreseen that the East India Company, which was then a mere trading association, would one day become a great territorial power, and but little importance was consequently attached to their military proceedings; but the moment it was seen that they were likely to be that which they afterwards became, the natural jealousy of the English Parliament and Government was aroused, and statutory limitations were soon placed upon the power of raising European troops. And even long before this precaution was considered necessary, another step practically even more important had been taken, which tended to the same effect. Very early in the history of India—in 1754, that is only four years after the famous defence of Arcot by Clive, the Crown resolved to send troops of the Line to that country, and a detachment of the 39th Regiment, which still bears upon its colours the motto "*Primus in Indis*," formed no inconsiderable portion of the small European force which fought at Plassy. In the year 1773, when the Company assumed avowed authority over the province of Lower Bengal, their European troops amounted in number to 11,468, which, so far as I have been able to ascertain, was the *maximum* which had been reached until the other day. In considering however the importance of this levy, we must look not only to quantity but also to quality. Now there is abundant evidence, that the East India Company and the Government of India attached but comparatively small importance to their European forces. The truth is, that, with the exception of the Artillery corps, respecting which peculiar care was taken from the very earliest time, the European army was very ill organized, and in so inferior a state of discipline that the officers of the Company placed almost their entire reliance upon the Sepoy troops, under European command, and upon the regiments of the Line. In 1773 Clive declared that our existence in India depended upon the Sepoys commanded by English officers, and that the defence of the country might be intrusted to them alone, supported by a corps of Artillery, similarly commanded. In 1786 Lord Cornwallis

gives this account of the European troops of the Company :—

"The Kings' British regiments must not be parted with. We have in reality nothing else, except the corps of artillery, that deserves the name of an European force.

Again, he says, in the same year,

The intense heat and unhealthiness of the climate are against all military discipline, yet I was astonished at the good appearance of the King's troops. The Company's artillery are very fine, but their European infantry, on whom the defence of these possessions may one day depend, are in a most wretched state."

I leave your Lordships therefore to judge whether, as far as concerns the earlier contests conducted by Warren Hastings and Lord Clive, it is not clearly proved that at least the conquest of India was mainly effected by the power which was exhibited by the officers of the Company in the organization of Native troops, and by the regiments of the Line which were sent from England to reinforce and support them.

Your Lordships will remember that the Board of Control was established by Mr. Pitt in the year 1784. One of its first acts was to insist upon a great reduction of the Company's forces in India. But the view which was taken on this subject, and the importance which was attached to it, is strikingly illustrated by a celebrated debate which took place in Parliament, a few years later. In the year 1788, when there was an alarm of a renewed contest with the French in that country and in Europe, and when it was determined to reinforce the garrison in India by a considerable force of European troops, the question arose whether that reinforcement should consist of regiments of the Line or of an addition to the local force. Thus the very question which we are now debating, was discussed for many days in both Houses of Parliament more than seventy years ago, and in that discussion Mr. Pitt laid it down as a principle, that ultimately the amalgamation of that army with the Line must be attempted, and said that he would not consent to the adoption of any measure which would render the attainment of that object more difficult. His words were :—

"Such a consolidation was undoubtedly to be wished for, and sooner or later it must be attempted. Of this he would shortly say more, and therefore in this place he would only suggest that Ministers, having this very object in view, had thought it more advisable to raise Royal regiments to serve in India than Company's regiments; because, if they had preferred the latter, they must have made the consolidation of the two armies, by so much, a work of more difficulty."

—[*Hansard, Parl. History*, vol. xxvii. 93].

The Declaratory Act which Mr. Pitt then introduced, giving power to the Board of Control to send four new regiments of the Line to India, and to charge them on the revenues of the Company, was very keenly contested, and was carried with great reluctance and dislike on the part of a considerable portion of the House of Commons. It is recorded in the journals of that day that it was carried by a majority of only sixty-seven—a majority which, however small it might be considered in the first triumphant Parliament of Mr. Pitt, is one which any Ministry would now accept with very tolerable satisfaction. In consequence of the decision then come to four King's regiments, instead of four Company's, were sent to India, and from that time the number of the Company's European troops steadily diminished, having never, until quite the other day, reached the limit fixed by the Act of 1788—namely, 12,000 men. In 1796 that army was reduced to two regiments of infantry, or, as those regiments consisted of only five companies, in point of fact, to one regiment, in each Presidency; the formal change to that number in 1829 being only a matter of arrangement. That was the state of things down to the Affghan war. But I need go no further than the Minute of the Governor General, which has recently been laid upon your Lordships' table, to show that in the conquest and subsequent protection of India the European regiments of the Company have always been considered as playing a comparatively subordinate part. I do not mean to say that they have not always behaved with distinguished gallantry; that they have done; but I am showing the exaggeration of the language used by Indian officers, especially by Sir James Outram. Lord Canning says :—

"It appears as if these troops, forming as they did a very small portion of the Indian army, had been until lately almost overlooked by their successive commanders-in-chief."

That does not look as if they had been the main instruments "by which India had been won and kept." I need hardly remind your Lordships that in accordance with the declared opinion of the Government of Mr. Pitt, Lord Cornwallis, at the desire of Mr. Dundas, drew up in 1794 a detailed scheme for the amalgamation of the two armies. Owing to difficulties of detail it was not carried into effect, but both Mr. Pitt and Lord Cornwallis expressed the strongest opinions as to the

expediency of the measure and the necessity for its ultimate adoption. I venture to maintain, therefore, that as there was no alternative for the Government except to adopt this measure which had so long been recommended, or to raise for the first time a large English army to be exclusively confined to India, the step which they have taken involves a change far less great, and far less formidable than the other.

In order to show your Lordships how great would have been the change produced by the adoption of the other course, I need only remind the House of the nature of the demand made by those who represent the views of the local force. I presume I may take the opinion of the Military Committee of the Council of India as fairly representing those views. Well, their demand is, that the whole of the artillery, three-fourths of the cavalry, and two-thirds of the infantry should be exclusively local. It is true that this opinion has been modified by various individual authorities, but the Governor General says that the Native force ought to be two-thirds of the whole army, and earnestly urges that on no consideration should it be less than one-half. Then, my Lords, I say that a Local European Army of such proportions would be entirely new. It is not the system under which our dominion in India was acquired, or has been maintained.

Why, then, should we adopt such a proposal? There are great mechanical difficulties, if I may call them so, in the way of carrying such a plan into effect. I cannot mention the name of the late Lord Elphinstone without expressing, what I am sure is the general feeling of the House, our deep and heartfelt sorrow at his loss. We had looked forward to having his counsel and his advice upon this subject; and I believe that we are all deeply convinced that among the distinguished men who exerted themselves during that terrible Indian mutiny, none better deserved the vote of thanks, which was moved in such eloquent terms by the noble Earl opposite, than did Lord Elphinstone. What does Lord Elphinstone say as to the mere mechanical difficulty of raising a great European army for India? He says:—

“ If we are to have a local European army, we must, in fact, begin almost afresh. Is it worth while to do this? What reasonable prospect is there of a local force, under any circumstances, being equal to the regiments of the Line? Above all, what possible chance is there of such a result

being obtained with the officers of the late Bengal army?”

The opinion of Lord Elphinstone clearly was, that the officers of the late Bengal army, in reference to whose interests, in a great measure, that plan has been urged, were not capable of organizing and maintaining the discipline of a European force. And what, upon this point, is the opinion of Lord Canning, who supports the project of a large local army? His evidence, contained in a Minute on our table, is even more specific than that of Lord Elphinstone. He says: “ Speedily to raise a European army for India, and to officer it efficiently from our present body of officers, is impossible.” Now, look at the project which Lord Canning lays down for the purpose of raising this force, and see the objections which present themselves against it. In the first place, with reference to the late Indian mutiny, and the insufficient garrisoning of that country, it has been necessary to increase the troops of the Line there. Something like from 25 to 30 battalions were raised in order to meet that exigency. You have these 25 battalions of the Line in the highest state of organization and discipline. They add to the effective force of the empire, and are available for any other service they may be called on to perform. You would have to commence by disbanding these regiments of the Line. Is not that a very great and serious objection? And how are you to raise and officer the new regiments? Lord Canning says it cannot be done by the old Indian officers whose interests have been so much urged. For this purpose, therefore, you are to borrow the services of officers of the Line; and when they have succeeded in raising regiments something equal to those which you have already got, but which you must now disband, these new regiments are to be sent out to India, and placed under the control and guidance of those Sepoy officers who are declared to be unfit for such duties. Is not that a roundabout scheme, and one open to grave objections in point of Imperial policy? Again, there is one argument has been stated against the maintenance of a local force in India, to which, I own, I have never attached much importance,—namely, that a large local force would enter into injurious competition with the Line in the recruiting market of this country. It had always appeared to me, if you are to have 80,000 Europeans in India, that it would be the same thing as regards the demand

made upon the field of recruitment in England, whether the 80,000 were divided between a local and a Line force, or whether they all composed one army. But the objections taken on this ground have gained strength in my mind since I have seen the demand of Sir James Outram on this subject. Sir James Outram fully admits that a change of measures in regard to recruiting will be necessary, if there is to be a large local army in India; and he has sent home an appendix to his Minute, in which he proposes that arrangements should be made to attract to the local force the picked men of the whole recruiting field in England. It surely cannot tend to promote the general interests of the empire, that the very best men who can be induced to enter the military profession, should have special inducements to limit themselves to an exclusively local service. Surely this would be a needless embarrassment in the main object you have had in all those improvements in the condition of the soldier, and in the recruiting system, which have lately occupied so much attention.

I think, my Lords, I have now sufficiently proved—first, that the maintenance of such an army would be entirely new; secondly, that it would be very difficult; and I now venture to add, that it would be in the highest degree dangerous.

It is often said that too much stress has been laid on the late strike or mutiny in the local European force in India; and in some respects I am not sure that this may not be true. But be it observed that the argument derived from the danger of mutiny has not been confined to those who object to a local European force. On the contrary, one of the arguments over and over again repeated in the papers on our table by the officers of the East India Company, is that it would be advisable to divide the army into two portions, and that the Queen's troops would keep in order the local force, and the local force in turn would keep in order the Queen's troops. The danger of mutiny is therefore an argument common to both parties; and the only question is—which system is least likely to expose us to the danger of serious insubordination and mutiny,—a large local force or an amalgamated army of the Line? The answer to that question must depend very much on the evidence we possess in regard to the discipline of the East India Company's former local army. I think it is clear that if the one force be inferior to the other in discipline, the danger of in-

subordination must be greater in the case of that one, than in the case of the other. I know that in speaking of the discipline of the European regiments of the late East India Company I am touching on extremely delicate ground, and I beg to draw a distinction between discipline in one sense and discipline in another. I believe it is the universal testimony of all Line officers who have served in India that, as far as regards the discipline and the gallantry necessary in the field, no regiments in the world could exceed, as none have exceeded, the services of the Company's regiments. There is ample evidence to the same effect in the papers now on our table. But I must say there is a general concurrence of opinion that, as regards discipline in a different sense, and with reference to the relations between the men and the officers, the regiments of the local force are decidedly inferior to the regiments of the Line. I have already adduced some evidence on this point from the earlier history of the East India Company. I now turn to a more recent period. In 1828 the Duke of Wellington gave evidence before a Committee upon public expenditure. It was proposed to him that, in order to save the heavy expense of frequent reliefs in regard to colonial service, a number of corps should be put on the footing of a local colonial force, in the same manner as the European regiments of the East India Company. What was the Duke of Wellington's reply to that suggestion? He says:—

"The difference in the state of the King's troops in the East Indies from that in which the Company's European infantry is known to be is conclusively against it—the colonial system of corps—in my opinion."

The Duke goes on to say,—

"It is very extraordinary, and I can only attribute it to their being confined there for their lives, that it is so, but it is very extraordinary that the same description of officers, who form the Sepoys into remarkably good troops, cannot form the European infantry to be at all equal to the other troops."

Evidence to the same effect as regards the condition of affairs at the present time, might be adduced in abundance. But I need not go further than the last Minute of the Governor-General. If it had been possible to maintain a contrary opinion, everything in the argument urged by Lord Canning would have induced him to adopt it. But his admission is emphatic—that "in this respect (namely, perfection of

military discipline) they were much below the troops of the Line."

It is also admitted by Sir James Outram, in his protest against the proposed measure, that the discipline of the local force is inferior to that of the Line. He gives reasons, indeed, for it. It has arisen, he says, from causes over which the officers themselves have had no control—namely, from mistakes on the part of the Government, alterations in the rules of discipline, in respect to the power exercised by commanding officers over the men, and especially from the system of Staff employment. I am not now inquiring into the causes of this inferiority in discipline, but merely into the fact of its existence, and I believe it to be proved by the concurrent testimony of all who have written on the subject. I regret to observe a disposition on the part of the East India Company's officers to treat with some degree of depreciation what is called the more perfect discipline of the Queen's Army. They say it is the mere discipline of parade; that it does not in any way touch the efficiency of the force in the field, and is of no serious consequence. I am sure your Lordships will agree with me when I say, that we ought to watch with the greatest care and jealousy the operation of any cause which tends to affect, however slightly, the perfection of military discipline—any cause which tends to affect, even in the smallest degree, that sense of subordination and that principle of obedience which is the first duty of a soldier. After all, my Lords, what are we arguing about? Not about the efficiency of the local army in the field, but the danger of insubordination in the times of quiet and peace, when troops suffer the lassitude and inaction of long cantonment, and are not under the excitement of active service. The admission, then, of Lord Canning—the admissions of the late Company's officers themselves,—and the concurrent testimony of all former years, in respect to the high comparative perfection of military discipline in the Queen's Army is, in my mind, conclusive against a large and almost predominant local force. Some of the causes of their inferiority which have been assigned by Sir James Outram might probably be removed; but I do not believe they could be removed altogether. Look to the reason given by Lord Cornwallis for the inferiority of the Company's troops in discipline. He refers to the nature of the climate. Lord Canning also thinks this inferiority might, to a

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certain extent, be removed, but he says emphatically that "probably it would not have been possible to keep them up to the mark of their brother soldiers trained in England." It is clear that Lord Canning does not expect the local force ever to reach or equal the perfect discipline of the army of the Line. Well, but surely as regards the garrisoning of India, this is a matter of primary importance. Perfect military discipline is of primary importance even here, where civil authority is paramount, and where every time the soldier quits his barracks he is reminded that he is nothing but a citizen of the State. But in India all is different. There he sees and feels that the authority of the civil Government rests to a great extent on his sword; everything around him reminds him of his importance and his power; when he quits his barracks he sees a subject population—for although, I trust, we rule the people of India for their own good, it must be admitted, I fear, that we have hitherto kept India by the power of the sword. Therefore, I say, that a large local army feeling that the civil Government entirely depends on them, and in a state of comparatively inferior discipline, would be a source of perpetual anxiety; and I feel sure that the institution of such a force would be an experiment which no English Government would venture to attempt.

Indeed, my Lords, with regard to this question of discipline, it appears to me that the very arguments used in favour of forming this great local army are a sufficient indication of the circumstances of strong temptation in which they would be placed. It is argued that they, as the local force, are to be the permanent garrison of India—the army of the Line being a variable, and comparatively accidental element. They are to be thus taught to believe, as, so to speak, one of the traditions of their birth, that India in an especial sense belongs to them, and that its Government rests on their courage and fidelity. Again, they are to understand that they are constituted with a special jealousy of the Horse Guards, which I hold with reference to this subject is but another name for the authority of the Crown. They are therefore to watch with jealousy any interference of the Imperial Government. Again, I find it argued that special relations ought to exist between the local Europeans and the Native army. And last, not least, for this is perhaps the most dangerous of all—it is one of the conditions on which much stress

is laid, that they are to have what is called a fair share of the good things of India. But who are to judge of what is the fair share? Can a great body of armed men, with habits and feelings specially localized, be placed in a more dangerous predicament? Can a Government be placed in a more embarrassing position? I know this view may appear rather overstrained to some; but I have good reason to believe and know that within the last few months—within the course of last year—and I appeal to my noble and gallant Friend, late Commander-in-Chief in India, (Lord Clive), whose accession to this House we are all proud of—I would appeal to my noble and gallant Friend whether, on some very recent occasions, it has not been found a source of serious embarrassment to him and the Government of India that there existed a necessity for dividing the number of commands in certain proportions, not with reference to the free choice of the Government of the fittest men, but with reference to the necessity of consulting the feeling of a divided army.

Then, why should we run all these risks? That there is some risk every noble Lord must admit. Why should we incur the risk of insubordination and of jealous feeling between two great European forces in India? The main argument, which I know carries peculiar force with some, is that without it we shall lose the school of officers hitherto so invaluable in India. Now, I do not deny that certain changes in regard to the officering of the army in India, and in regard to Staff employments in India, will be the natural though not the necessary consequences of this Bill. But what I venture to maintain is this, that these changes, and no other, are precisely the changes which have long been considered absolutely necessary by the confession and complaints of Indian officers themselves.

What does Sir James Outram say is the special value of this school of officers? He says it is “a school of officers intimately conversant with the workings of the Native mind.” Now, my Lords, I do not wish to make any undue use of the great mutiny of 1857. I sincerely think that state of things arose out of many causes, and the mismanagement, perhaps, of many preceding Governments, and it would be most unjust and ungenerous to lay the blame of that event on the European officers who commanded the Sepoy regiments. They unfortunately trusted their men with such

perfect confidence, that a very large number of them were massacred without a chance of escape; and those who did escape should be the objects of our perpetual honour, because they showed a degree of firmness of mind and heroism which casts upon them immortal honour as British soldiers. But surely it is neither unjust nor ungenerous to say that they were not a school of officers who proved that they were intimately conversant with the workings of the Indian mind. The real truth is this, and it has been confessed over and over again—I heard it alluded to in very eloquent terms by the noble Earl (the Earl of Ellenborough) opposite several years before the mutiny took place—that for many years there had been a growing change in the relations which once subsisted between the European officers and the Sepoy army; and I venture to appeal to him whether the events which took place in 1857 would have been possible in the earlier and better days of the army of the East India Company. The mutual confidence which then existed between the Sepoy soldier and his officer had for many years been broken down, along with the personal intercourse on which that confidence was founded. I am sorry to see that my noble Friend (Lord Ellenborough) intimates dissent. But I have evidence on this point, the authority of which, I think, even he will be disposed to admit. I take one of the Company's most distinguished officers, who himself fell a victim to the mutiny, for he fell in the siege of Lucknow—I mean Sir Henry Lawrence. What does he say on the relations which had come to exist between the European officers and the men of the Sepoy regiments? Sir Henry Lawrence, like many officers in India, was in the habit of contributing to the periodical literature of the day, and he communicated to the *Calcutta Review* a series of articles, since published in a separate volume, avowedly by him. Among these there are two most interesting articles on the reform of the Indian army, written in 1855-56, before the mutiny, and before his mind could be influenced by any considerations arising out of that event. Referring to various changes in the organization of the Sepoy troops, he says:—

“By removing Native officers from corps professedly commanded and officered by Europeans, though too often really managed by havildar majors, opportunity would be given to the European officer to look into the interior economy of his re-

giment or company. Seldom is anything of the kind done at present. So long as all is smooth and quiet on the surface, few inquiries are made. All may be rotten below; the jog-trot is followed. A mine may be ready to be sprung for all that nine-tenths of the officers would know. Many do not know the very names of the men of their own company."

Surely these are remarkable words, considering the date at which they were written. But I have further evidence. I would now quote the testimony of another distinguished Company's officer, who is happily still alive, and who occupies a distinguished position in India at the present moment. I mean Sir Patrick Grant. I find him saying, in one of the papers before Parliament:—

"Further, the officers are discontented, only looking forward to leave their regiment for some more pleasant employment, so that they perform, and unwillingly, the bare outline of their duty, and never, as a general rule, mix or converse with their men; but, on the contrary, too often refuse to listen to their complaints, at the best telling them to go to the adjutant, and, not unfrequently, 'Go to—; don't bother me.' . . . The consequence of this craving is utter indifference, not to say positive dislike, towards the men; and the engendering of a restless, discontented disposition, which is, I doubt not, communicated to the soldier."

I ask your Lordships, [do not these extracts from the testimony of such men substantiate what I said, that for some time there had been going on a deterioration in the relations that subsisted at an earlier period between the European officers and their men in India?

Now, what has been the remedy proposed, and loudly called for by many of the most distinguished officers of the Indian army? I have admitted that some changes will naturally follow this Bill; but it will be found that they are precisely such as would follow without it—namely, the formation of a separate Staff corps, the abolition of the system which kept men on the strength of their regiments when in reality they were employed elsewhere, and other changes of a similar nature. Again, look at this matter in a somewhat different point of view. Is the present system of officering the local army, and the present system of appointment or of promotion in India, so very perfect, that the necessity of making some change in that system should fill us with alarm? Indian officers, when opposing this measure, would appear to think so; but I observe that when they have been writing or speaking without reference to this con-

tested question, they always tell a very different story. Sir John Lawrence is a great opponent of this measure. A higher authority, I admit, can hardly exist; or one more distinguished in every way. Indeed, so far as my own opinion is concerned, I differ from him almost with greater doubt and hesitation, than from any man in regard to this question. Sir John Lawrence, in expressing his dread of the consequences of this measure, says—

"Were the civil and military appointments in India filled up from a general Staff corps, its officers would, no doubt, obtain the ordinary and subordinate posts of the service; but such men would have little chance of high commands. They would never be brought forward, as has been the case under the old system, with all its faults."

Well, but what do I find his own equally distinguished brother, Sir Henry Lawrence, saying in reference to the state of things which, previous to the mutiny, prevailed in India:—

"Let no officer obtain the command even of a company until he has proved his qualification. The present tests are altogether insufficient. . . They should oblige each officer to evince moderate ability and moderate application. All men are not intended by nature to be soldiers. The sooner incapables find out the mistake of their parents in having put them into the wrong line the better for themselves and for the service. In no army are higher qualifications required. Is it good that one single individual officer should be a laughing-stock to his men? They are nearly fifty to one of us."

Such is the opinion of Sir Henry Lawrence in reference to the pre-existing state of the Indian army. And what, let me ask again, is the remedy proposed? "There must be a Staff corps," says Sir Henry Lawrence in the same paper; "whatever may be its inconveniences they will be less than those which now obtain." Lord Canning expresses a strong opinion not only that the Staff employments of India—that is to say, the military, political, and quasi-civil appointments, which are so largely filled in that country by military men, should be open to the Line, but he further urges that officers of the one service should be free to exchange into the other. Long before any question of the amalgamation of the two armies arose, it was suggested, as due to the officers of the Line, that the Staff appointments in India should be open to them, and upon that point my noble Friend opposite (the Earl of Ellenborough), among others, gave very strong evidence. In answer to questions which were put to him he said:—

"The Queen's officers will, equally with the local officers (not to the same number probably), be entitled to command the irregular Native corps."

Then the noble Earl was asked—

"Would you throw it open?—Certainly; supposing them to be competent, from a knowledge of the language. I think that everything should be equal with regard to appointments between the two forces. I think it would be very unjust to the Queen's army not to make it so."

He was then asked whether the officers of the Line and those of the local army should be entitled to an equal share of those appointments. That reply was—

"No, not an equal share in proportion to numbers; that would put an end altogether to my principle. My principle is, that the Governor General should be at liberty to take the ablest men he could find anywhere; that they should be eligible, but have no rights."

"Lord Stanley: You do not admit, in short, the right on the part of any set of men to say, 'Here is a certain proportion of these appointments to be set aside for us?'—No, it is contrary to reason."

Now, I venture to suggest that if Staff appointments in India were to be open to officers of the Line as well as of the local army, without the formation of a Staff corps, all the Members of which should be equally eligible, you would have constant difficulty in considering the respective claims of those two bodies of men, and the Indian Government would be compelled to govern its appointments not solely with reference to individual qualifications, but in a large degree by the necessity of considering the jealousy of rival armies. Sir James Outram, I may add, is a strong supporter of the establishment of a Staff corps, to which officers of both armies should be eligible. This measure, then, which certainly is one natural consequence of the proposed amalgamation, is also, as I have now shown, a measure the adoption of which was recommended by some of the most distinguished officers of the late Company, long before the present question had arisen.

I now come to what I regard to be the main question in the discussion of the present Bill—will you find officers of the Line willing to qualify themselves for Indian service, and devote themselves to an Indian career, as Company's officers have hitherto done? This is a question which to some extent may be matter of speculation, but on which there are not wanting both facts and arguments sufficient to lead us to a very

safe conclusion. The noble Earl opposite (the Earl of Ellenborough), in reply to a question which was put to him on the subject, said—

"When a regiment is sent there certainly for ten years, or perhaps for a longer period, if an officer felt that by making himself acquainted with the Native languages he would have an opportunity of obtaining some civil or political employment, I think it is contrary to reason that those officers should not in a very great number of cases qualify themselves, because there is no very great difficulty in it."

I find, moreover, that Lord Elphinstone expresses the strongest opinion that there would not be the smallest difficulty in procuring officers of the Line to undergo that peculiar education which would fit them to hold Staff employments in India. On this point I think my noble and gallant Friend on the cross benches may be induced to give us the benefit of his long experience, and may be able to inform us whether it is not the fact that numbers of officers of the Line would have been glad, even under the old system, if they had been able to enter the Company's service. Indeed, as the noble Earl opposite has truly said, it is "contrary to reason" to suppose that it should be otherwise, for there are few advantages in the military service at home at all equal to those conferred by the appointments in India, which is now to be open to any officer who chooses to qualify himself to hold them. The Indian career holds out the hopes of high emoluments and of opportunities of distinction such as are afforded to few officers of the Line in time of peace, either in this country or in the Colonies. Why is it, then, I would ask, that we should not expect officers of the Line to qualify themselves in sufficient numbers for service in India? The fact I believe to be that there are at the present moment upwards of 150 of those officers employed in the discharge of duties which under the old system were almost exclusively confined to officers of the local force. I am moreover given to understand that in anticipation of the passing of this measure a very large number of young men belonging to the Queen's regiments are actually undergoing the process of an Indian education to qualify themselves for Staff appointments in that country. The fears upon this score which some persons entertain, I therefore conceive to be unfounded, or at least very much exaggerated.

I now come to an objection to the Bill on which great stress has been laid by

many officers of the Company's service, and that is, the fear of what is called the interference of the Horse Guards. In the presence of the illustrious Duke on the cross benches, this is a point to which I address myself with some embarrassment; the more so, as having frequently endeavoured to form a distinct conception of the idea which the "Horse Guards" presents to the mind of an Indian officer, I have always come to the conclusion that it is one pretty nearly synonymous with the origin of all evil. But be that as it may, there is nothing in this Bill which increases by one jot the authority that has hitherto been exercised by the Commander-in-Chief over that portion of the army located in India. In support of this opinion I again appeal to the views to which expression has been given by my noble Friend opposite (the Earl of Ellenborough), who says, in reply to the following question:—

"Q. What do you suppose that the power exercised by the Commander-in-chief here over that portion of the army which has been located in India has been hitherto?—Nothing whatever. I am not aware of any sort of communication between them. I believe I had occasionally the opportunity of sending to the Horse Guards information with respect to Queen's regiments with which they were not already provided."

The illustrious Duke on the cross benches will also, I believe, be able to bear his testimony to the fact that he neither intends nor wishes that his authority, so far as relates to the troops in India, should be in any respect altered by the passing of the present measure. The Governor General of India will, as hitherto, possess supreme military, as well as civil and political power in India, and will be enabled, in conjunction with his own Commander-in-Chief, to confer any employments and commands which he may please on those officers of the Line, who then, as now, may be sent out to that country. This is a subject on which Mr. Willoughby has expressed a very sensible opinion. He says:—

"Because it is scarcely to be expected that the Horse Guards, overwhelmed with the business of superintending and controlling the Queen's army stationed at home and in the Colonies, can, in addition thereto, undertake the administration, in all its branches, of the military forces of an empire so remote and of such magnitude as India."

Certainly not; it is neither to be expected, nor is it to be desired, nor is it intended, nor is it rendered possible by the provisions of this measure. In future, exactly as heretofore, the Horse Guards will

send to India such general officers as the Government is desirous of employing in connection with the European army of the Line; but the disposal of commands, as well as the disposition of the troops will rest also, as heretofore, with the local Commander-in-Chief and the Government of India.

I have now only, my Lords, before sitting down, to enter my protest against the criticisms which have been passed on the conduct of the Government, both in Parliament and out of doors, in connection with the course which they have taken upon this Bill. It has been said, that we have introduced this measure against the opinion and advice of all who could be considered authorities on the subject; and at so late a period of the Session, that it has been impossible for Parliament to pay to its consideration adequate attention. I regret that the measure was brought so late before Parliament, but I trust that fact will be received as evidence of the sincere desire of Her Majesty's Government to examine into the subject with the utmost care. I do not deny that the measure has been considered, not only with care, but with some anxiety by the Government. It was impossible to read declarations from such men as Sir John Lawrence, Sir James Outram and others, that this measure would make an organic change in the system by which India has been won, and by which alone it can be kept, without feeling that it was absolutely necessary to sift the question thoroughly—to look at it in every possible point of view, and to see whether this amalgamation of the two European armies, is really fraught with the danger attributed to it. But I deny that the authorities, great as these undoubtedly are, have been altogether on one side; and I contend that we are entitled to exercise our own judgment, and to bring to the test of reason and of argument, the somewhat rhetorical terms in which Indian officers are accustomed to express themselves on the subject. And when they speak of the "system under which India has been won," I cannot forget that the main features of that system have had very little to do with the small European army of the Company, and will remain wholly unchanged when that army is united to the Line. One main feature of the "system by which India has been won," has been in no way connected either with the Company or its army—namely, the employment of very eminent English statesmen in the

Government of India. I can confidently affirm that there is nothing in this measure to diminish the inducements which have led the English Government from time to time to send out to India—there to spend and too often to exhaust their powers—some of the best and wisest of our public men. Neither is there anything which can tend to limit, but on the contrary, much which will tend to enlarge the field from which young men of enterprise and ambition have been hitherto drawn to the service of India. There is nothing, in short, my Lords, in this measure, so far as we can see, which tends in the remotest degree to withdraw from India any portion of those powers of rule which, in connection with the Government of that country, notwithstanding many errors, and I am afraid we must confess some crimes, have cast on our national character a lustre of an impe rishable renown.

Moved to Resolve,

“That as regards the said Bill, inasmuch as prolonged Uncertainty in respect to the System on which the European Army in India is to be constituted would be injurious to the Service and a serious Embarrassment to the Government of that Country, it is the Opinion of this House that the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary.”

THE EARL OF ELLENBOROUGH: My Lords, I approach the discussion of this question with very great pain. I am under the deepest obligations to both armies—as much to the local army as to that of the Crown—for the generous confidence with which they received me on my arrival in India, and which they continued to place in me during the whole period of my government, when I was deprived of other support to which I had an equal claim. The Government of which I was a Member was deeply indebted to them—equally to both armies—for the enterprise, the self-devotion, and perseverance, with which, standing shoulder to shoulder, they marched from victory to victory in Afghanistan, in China, in Scinde, and in Gwalior, terminating with success four wars in two years, and re-establishing everywhere in pristine vigour and strength the impaired *prestige* of the British arms. I never can cease to feel grateful to those armies for what they did—I have an equal gratitude to both. I saw no distinction between them; I knew no difference between a Company's officer

and an officer of the Queen; they both served their country equally well. It is since my time that these jealousies and misunderstandings have grown up between these great and glorious services, which are the real foundation of this unfortunate measure. The noble Duke has done me the favour to notice several statements of mine when examined before the Royal Commission. I see nothing to alter in them. I adhere to them all. I am not answerable for the exaggerated demands which have so much prejudiced the question, and turned public feeling against the Indian army. I have always asked for equality between the two armies—equality, not of European troops, but equality in real strength, in which the command of the Native troops held by local officers would properly be taken into consideration. To that opinion I adhere. The noble Duke has spoken of this measure as a measure of amalgamation. It is no such thing. It does not proceed one step towards amalgamation; it is a measure for the extinction of the local army of India, and for the substitution in the command of the Native force, and in the performance of civil, military, and political services, of officers drawn from Her Majesty's regiments instead of officers provided by the local service. It is naturally felt by the Indian army that this proceeds from a feeling of distrust; it is an injury accompanied by dishonour. Nothing contained in this Bill authorizes the Crown hereafter to have a local service. Unless those officers and men who are now in the local service think fit, on the passing of this Bill, to volunteer for general service under the Crown, not one officer and not one man of that local service can be so amalgamated with the Queen's army as to be moved from the territories under the direction of the Governor General into this country or any other part of the dominions of the Crown. There has been, no doubt, some amalgamation, but it was the amalgamation of the bad. The 3,000 bad men who deserted, as I consider, from the Indian army last year, have been amalgamated with the Queen's service, into which they were permitted to enlist, and into which I would not have admitted one of them, to contaminate it by his presence. This is amalgamation, but this is the only amalgamation that has taken place. The errors of these men were thus condoned, and they have been placed by the side of honourable soldiers; while punishment has been inflicted vicariously on the

men who remained faithful and who did not desert their colours, because they had the misfortune to have such bad men as their fellow-soldiers. My Lords, I consider that to be a case of extreme hardship. There can be no doubt that this measure has originated in the differences between the two services—how occasioned I know not—and from the strike, or *exodus*, as I have heard it termed, of the 10,000 men last year. But the latest measure of Her Majesty's present Government last year was to add 20,000 men to the very army which they now say ought no longer to exist! Let us understand how the question stands. The European local army, and the regiments of Native troops to which the local establishment supplied officers, were one army, and not two distinct forces. This Bill, in destroying the whole local European force, thereby puts an end to the system according to which young men are sent out from this country to command Native troops, and to remain locally in India. Whatever future services of this nature may be performed will be discharged by men who have gone through Her Majesty's army. What is the justification for this? The *exodus* which took place last year. I must say I think it very hard to condemn one body of men on account of the misconduct, not of themselves, but of others. I shall not defend, as some have done, the conduct of those 10,000 men last year; but I think it right to explain under what circumstances they acted. The great original misfortune was the declaration of Lord Palmerston in the House of Commons, that if these men disliked being transferred to the Crown, it was but just that they should have an opportunity of obtaining their discharge. That was, in fact, the origin of the whole difficulty. Now, I must acquit Lord Palmerston of having deliberately made that statement. I am under the impression that it was an answer given by him to a question put in the midst of his speech. I am sure no Minister would have ventured deliberately to make that statement to the House. I do not think Lord Palmerston ever seriously entertained that opinion; and the provisions of the Act which now transfers this army to the Crown contain nothing in the slightest degree sanctioning the notion that any portion of these troops were entitled to be released from their engagements. The clause in the Bill proposed by Her Majesty's Government deals with the trans-

fer of these men as if no doubt could exist of the right of the Crown to their services. Not one word was said, either in this House or the other, on the subject, and no man could have supposed last year that these fatal consequences would have ensued. And, although I expressed when in India, now seventeen years ago, my conviction that the country ought to be governed in the name of the Queen, I should have refrained from advising that measure had I believed that it would have led to the destruction of the local army. There was not only that unfortunate declaration of Lord Palmerston, but there was the conduct of the Government of India. I recollect having read, not long ago, in the recently published *Despatches of the Duke of Wellington*, an account of the course which he pursued in Ireland in 1808 under somewhat similar circumstances. There had been some loose expressions introduced into an Act of Parliament, in consequence of which some 10,000 militiamen claimed their discharge. Nothing could be more inconvenient at the moment, and yet there appeared to be a *prima facie* case in their favour. The question was referred to the law officers of the Crown, and the Duke communicated, confidentially to the officers commanding these different regiments all the arguments used by the law officers, in order that they might use them in reasoning with their men. The result was that the difficulty passed away and the men remained in the discharge of their duty. But in this case the only declaration that was made to the soldiers was that their claim was inadmissible. It is not enough to be just to the soldier, you must condescend to prove to him that you are just. That attempt never was made until at last, compelled apparently by circumstances, the Government of India offered these men their discharge, and then, and then only, when it was too late, Lord Canning condescended to give reasons to the men why he considered they had no claim, and why they were not entitled to their discharge. I never could understand the reasoning of some officers in connection with this subject, founded on the right which soldiers have to volunteer only, and not to be transferred from one regiment to another. There is a real difference when a man is transferred from one regiment to another. He leaves the officers who know him; he leaves his friends, he may be proud of the regiment with which he has

served, and, more than that, the conditions of his service may be altogether altered. He may desire to remain in India, and the regiment to which he is transferred may be going home; he may desire to go home, and the regiment may be coming out. These are real differences, and it is but just that a man should be allowed to exercise his own choice. But in the recent case there was positively no difference at all. No man could discover that the name of the Queen had been substituted for that of the Company by any difference in his treatment. It was no more than if the number of the regiment had been altered, and surely that cannot be considered a sufficient ground for mutiny. It is the case of a principal who dismisses his agent and chooses to carry on his own affairs; all the agreements made with that agent on behalf of the principal remain binding on both parties. The reason of the thing was altogether against the men, but the reason never was given to them at the proper time, and the result was the loss of 10,000 men of the local army, and this Bill, which endangers our relations with India. In this country, and in other countries in which, in constitutional times, a great jealousy has been entertained of a standing army, you have always had a great, intelligent, and determined people to back the Government, and to support it against any dangerous measure which might be taken by that army. In India, there is no people, or, if there be, that people is either indifferent or hostile. It does not give its support to the Government. In that country, in which the Government is so denuded of all support but that which is derived from the army, it is necessary to take security in the composition of that army against the dangers which may arise from it. Such securities always have been taken. We have three Native armies; if we had had but one, considering especially the composition of one of them—the Bombay army—the probability is that the insurrection would have spread from one to the other, and we should have had to contend with all three Native armies, instead of being able to use one against the other. More than that, in each Presidency there is in the division of Queen's troops, local Europeans and Native army, another balance which gives security to the Government. I recollect the Duke of Wellington stating in this House that it was always held in India that the greater the number of religions

you had in a regiment the safer you were—not that the greater number of religions gave you greater strength in presence of the enemy, but that it did not present any one bond of union of which those who wished to divest themselves of the authority of the Government could take advantage. This is just the principle which pervades the whole Indian system. On board ship you have seamen and Marines—the Marines have other duties to perform than those of hauling ropes and running round with the capstan. To them we look in a great degree as a security for the maintenance of order. I have more than once expressed my conviction that we must build our vessels in compartments, in order that we may not lose all by one accident, and I am confident that if you are determined to effect the purpose of the Government contained in this Bill you will destroy the greatest security which you have for the preservation of India. The great danger in India is the danger of a mutiny. There is no other danger. I recollect very well, when I approached Madras on my way to Calcutta, at the end of February, not having received any news from India since October, I asked if we were near enough to communicate with the shore. I was told we were, and I desired them to inquire whether there was any news. I took the telegraph-book in my hand to take down the answer myself. It came, "Yes—very distressing from the north-west—the army—destroyed." That was the first intimation I had on my arrival of the actual state of things then existing. I can assure your Lordships that that word "destroyed" was a relief to my mind. I feared a mutiny much more than the destruction of an army. I have remained firm in that opinion. I am not at all ignorant of the gravity of the circumstances which took place last year. It is on that account that I would desire your Lordships to lose no means of guarding against a recurrence of the same danger. May I be permitted to go back to early history—to the time of the first great European conqueror in the East—Alexander? What example did he set us? He was compelled by the same desire to revisit home on the part of his men—which was the real cause—not money—of the misfortunes which occurred last year—to retrace his steps, and to proceed on his return to Europe. But what was his conduct? Did he omit to take precautions against the recurrence of that danger? No; he balanced the strength of his old legions from Macedonia

and Greece by forming other legions of fresh recruits under different officers, and altogether under a distinct command, and, not satisfied with that, he formed a body of 30,000 Native guards under other officers, that there might be a triple security against a recurrence of the danger. He did that which you have done during the 100 years you have been fighting for supremacy in India—that which the Government now propose to abandon. I think I ought here to interrupt myself for a short time, and show your Lordships, if I can, the practical operation of this measure as I understand it. I will take the year 1856, before any great alterations were made by the mutiny. In that year there were 185 corps in the Indian army, of which 176 were Native and nine European. The Native corps had a number of officers, equal to half the number of officers in Her Majesty's regiments; the European regiments had an equal number to the Queen's regiments, if not superior. Therefore, these various corps were in point of fact equal in the number of officers to ninety-seven of Her Majesty's regiments. But Her Majesty will not have 97 corps in India; she will have a smaller number; and yet, with the greater number of officers possessed by the East India Company, observe how inconvenient was the demand for officers to command irregular regiments and fill other offices. It has been computed at six officers from each regiment. If this measure passes, and gradually effects the extinction of the local force, the demand upon the Queen's regiments for officers will be much greater than it has hitherto been upon the local army. There were ninety irregular regiments, each requiring three officers; in addition to that demand there was the staff. Now, it is proposed to make all Native regiments irregular, and more officers will have to be found. Besides that, it is stated by Lord Canning, and very possibly many may agree with him, that the number of these officers usually attached to an irregular corps is too small, especially where there is much detached duty. In addition, there is a large body of military police—a measure which was begun by myself. That police will have much detached duty, and for the purpose of preserving peace and seeing that the powers of the police are not abused there ought now to be one officer for every 100 men. If the Native army altogether is to be reduced to 80,000, that is to a number

The Earl of Ellenborough

equal to that of the European troops, and if the police are not augmented beyond 40,000, yet still I think for officering that Native army and officering the police 950 officers would be required from the Queen's troops. I can assure your Lordships that if that number is taken in addition to all the other officers, for civil and political purposes, which if you mean to govern the country well must be taken, the demand will be such that there will be no regiment in India which must not, at least, part with twelve officers. I know it is intended that the troops shall be relieved every ten years. That was always the intention, but the intention has never been carried out. The larger the number of European troops the greater will be not only the expense, but the difficulty of carrying it out: and in time of war to send a tenth of your force out to India, and to bring a tenth of your force home, besides the ordinary reliefs and recruits, will be actually impossible. You will be obliged to violate your promise to the troops if you promise that they shall only serve in India ten years; and, having destroyed the local European army, you will have nothing to fall back upon. While you have that army you are safe to a certain degree, although you may not have all the force you desire. Another matter is well worthy of consideration. In the local regiments, as they have existed till now, the Governor General was quite certain that he should command the service of any officer at any time. He therefore had a complete power of selection from the whole force. It will not be so now, even if every officer should be as fit to take a detached appointment as officers of the Company's service were. It will not be so, because the demand will be so much greater that if every officer is willing to take the appointment there will be greater difficulty of selection. If all are willing to go, as they are now, there will be precisely the same complaint as there is now—that the able men are taken from the regiments and the refuse is left. But all will not be willing to go. Although I think a great many will qualify themselves, it is contrary to reason to suppose that all will do so, because men of mature age or of connections in this country will be so wedded to their habits or this country that it will be impossible for them to adopt the life of an officer in India. Observe the position of the Governor General. If the number is small he will have

no selection, instead of having, as he has now, the selection from the whole body of officers. If they do not all care for such service the Governor General will be deprived of the power of selecting the best men. He therefore cannot carry on the Government as he does now. Give me leave to ask what is this Staff corps to be? Is it to be a permanent corps like the corps of civilians, in which every man who is once appointed has a right to an office? I protest, in the name of the Government of India, against the establishment of such a corps. Now, if an officer is unfit for civil or political situations, or even for the command of irregular troops, it is no disgrace to him. He may be a good officer in his own regiment; and if the Governor General finds him unfit he sends him back to his regiment, and places him at the disposal of the Commander-in-Chief. But what will be the state of things if there be a Staff corps, in which every man has a right to remain, and a right to be provided for, as in the Civil Service? Observe that those officers who are sent back to their regiments now, go back to that which they undertook when they arrived; they are no worse off than before. They have been better off when employed on the Staff, but they are not worse off when they go back to their regiments. There is, therefore, no difficulty in sending a man back who is unfit. But the Governor General will reflect before he displaces a man who is unfit, when he will know that to displace him is to ruin him. He will have nothing to fall back upon. Therefore, I say I feel confident that, although the patronage of the Governor General will be left exactly where it was, he will not be able to exercise that patronage so satisfactorily hereafter as he can now, and that he will not be able, under the new system, to obtain the same body of able men for the public service. Although some gentlemen, and I hope many gentlemen in the Queen's army, going out as some must very young, will learn the language and make India the peculiar theatre of their occupations in life, it is impossible to conceal from ourselves that that will not be the ordinary state of things. The officers in Her Majesty's army are to a considerable extent in a different position and of a different class—I do not think of a superior class for the public service—but of a different class to officers of the East India Government. I

do not think that it will be consistent with their tastes and habits to devote themselves in the same way to the public service in India. But more than that, it is most essential to maintaining kind feelings for the Natives that they should undertake these situations at a very early period of life. It is impossible that a man of thirty, though perhaps he may be able to acquire the language sufficiently to speak it with facility, should accommodate himself in the same way to the habits and customs of the Natives. Allow me to impress upon your Lordships the immense importance of facility in speaking the language to every man who has any relations with the Natives, and that cannot be acquired at a late period of life. I recollect in conversation with the late Sir Charles Napier, I asked him whether he did not feel very great regret that he was not able to speak the Native language. I told him that I, as Governor General, estimated that a knowledge of the Native language would to me have been worth 10,000 men. He said, "that is exactly the value which I put upon it. I would rather in Scinde have been able to speak to the troops and the people, than have had an addition of 10,000 men." There is a great risk of having a body of officers placed over the Natives, who, though speaking the language scientifically, cannot speak colloquially to them, if they do not go out at a very early age. And now allow me for a moment to ask your Lordships to consider how we stand at the present time with respect to the people of India, and whether it is desirable to make another great change? There can be no doubt that, however great a measure—and a great measure it was—the Proclamation of Her Majesty on her accession to the Government of India—however well that Proclamation was received, the expectations which it created have not been realized. The Government has not been conducted generally in the spirit of that Proclamation, and the result is great disappointment and discontent. There has grown up throughout the country, I regret to say, between the Europeans and Natives a very strong antagonism of race. Things are entirely changed in the few years which have elapsed since I was in that country. I looked upon every Native as a friend, and treated him as such, because I knew I might entirely rely upon him. They are now, I regret to say, regarded as enemies, and the feeling engen-

dered in consequence is one of mutual hostility. I have said already that the only foundation either for the financial security or the general safety of the Government of India is to be found in a thorough reconciliation between the Government and the people. To the Natives we give education, and we especially endeavour to give them a knowledge of European literature and a power of reading and speaking English. They take advantage of our unwise permission. They do learn English, and by reading books published in England acquire feelings which are incompatible with our Government. And when they read newspapers in India which are published in English, I am ashamed to think of the disgraceful attacks which they witness not only on every tenet of their religion, but on all their domestic habits and customs. The English press in India is revolutionary in the attempts which it makes to turn the feelings of the Natives against us. What is going on at the present moment? We are endeavouring to introduce a new system of taxation. There is a tax which approximates to a graduated poll-tax on all artisans. There is to be a very much increased tax on that necessary of life with them—tobacco. There is, in addition to that, an income tax, and with regard to its imposition on land I must consider it a tax of most questionable justice. But of this I am quite sure, that it is impossible to make an accurate and just assessment of that tax, and equally impossible to establish a reliable tribunal to decide between the Government and the taxpayers. At present it is received joyfully, by the Europeans, because it presses hard on the Natives, and they are content to be pressed also if they see that the Natives are compelled to pay it. All these things are working towards the same end—and while this is going on, while this danger is inherent in your position, you determine upon a change which will disgust and alienate 5,000 officers commanding 200,000 men, and which will also be considered by the people as a breaking up of the securities which you have maintained for the Government of India, and as entailing upon them a Government, through a number of Queen's officers, not well conversant with their language, antagonistic to them in feeling on account of their religion and even on account of their colour, and not entertaining for them that consideration which has always been shown by the offi-

cers of the local army. These things will inevitably alienate the affections of the people. I will not speak in terms which appear to me exaggerated, but I do assure your Lordships that I do not think things can go on long unless a great alteration is made. In this measure I see the beginning of the end. We have no real security in India but in adhering to the principles by which we have raised that empire. You are now asked to throw off all your traditional policy, and whereas in substituting the power of the Crown for that of the Company it was unnecessary to make any other change, that is considered a convenient opportunity for making every change, and this in a country in which everything ought to be stable, and in which nothing disturbs men's minds so much as the apprehension of alteration. My Lords, attached as I am to the army and to the people of India, to the advancement of whose interests I have devoted now very nearly thirty-two years of my public life, I cannot regard without the deepest apprehension this great and dangerous change. I have endeavoured, as was my duty, to place before your Lordships as well as I could the reasons why you ought not to adopt the measure of the Government. I cannot hope that I shall have succeeded in altering your preconceived opinions; but under any circumstances it will be to me a great consolation that on this, perhaps, the last opportunity that I may possess, I have expressed my sympathy with the people of India, and have at the same time offered the assurance—the heartfelt assurance—of my undiminished respect and continued gratitude to the Indian army.

EARL DE GREY AND RIPON said, that after the eloquent speech their Lordships had just heard, it was necessary that he should pray their Lordships' kind indulgence when he ventured to address them on a subject of this nature. He should not pretend to speak on his own authority, which was as nothing on this question, but should be able to quote on his side of the question authorities as high and weighty as that of the noble Earl himself. The noble Earl was undoubtedly actuated by a desire to promote the welfare of India; but he could assure the noble Earl that he had no monopoly in that respect, but that Her Majesty's Government in framing this measure were as desirous as he could be himself of increasing

the welfare and prosperity of all classes in that portion of Her Majesty's dominions. The noble Earl said that he always considered that the greatest danger to the permanence of our Indian Empire was mutiny; and he was right. A mutiny had occurred in our Native army which had swept the Bengal army from the face of the earth; and still more recently a disturbance, if it did not reach to the magnitude of a mutiny, took place in our local European army in India, which affected 10,000 men. He must remind the noble Earl that both those events had taken place since he (the Earl of Ellenborough) was in India; and therefore he ought not to forget that these events had themselves rendered necessary many changes. The noble Earl had urged two main practical objections against this measure;—the first, that it was intended to have in future only one European army in India; and the second that according to that plan it would be impossible to supply the Indian Government with qualified officers to carry on the civil and military administration of the country. With regard to the first objection, he had heard the language of the noble Earl, if not with surprise, certainly with pain. The noble Earl said that we ought to build our Indian army in compartments. That was a sound opinion as applied to Native troops; but was the same system necessary with regard to an army drawn from this country? The noble Earl said that you must have in India two European armies, one composed of Queen's, and the other of local troops, because, if there was only one army, dangerous combinations might arise which might threaten the safety of your empire. If that was a true principle, it ought to be carried further, and not only in India, but in all our Colonies and at home we ought to have this system of double armies. If we could not trust to the loyalty and the discipline of the British army in India, why were we to trust to them anywhere else? The result of adopting such a system would be, that we must have our army everywhere drawn from different sources, so that the various portions of it might be arrayed against each other. The danger of a local army arose from the fact that the troops could not be removed. If dissatisfaction occurred in a regiment of the Line, it would be at once removed from India and the danger would be over. He would oppose to the authority of the noble Earl that of an Indian officer of great experience, who was himself a member of

the Indian army, and was deeply attached to it. Sir John Malcolm said:—

“Some have whispered that there was safety to the State in such differences, but such persons have forgotten that the very alarming events which form the ground of their dread have been almost in every place the result of these jealousies and divisions. They are ignorant, also, that it is much more easy to create and maintain a bad spirit among a limited body of men who are affected by some local circumstances than it is to spread such a spirit through more extended numbers and a wider sphere.”

These words, spoken so long ago, might almost be imagined to have been written for the very purposes of this discussion. They distinctly pointed out that the danger of disaffection arose from the existence of a local army never refreshed by a return to England, and constantly maintained within the comparatively narrow limit of that portion of the empire. He did not think that their Lordships would be inclined to imply by their votes that evening that any danger would arise from the maintenance in India of an army of 70,000 or 80,000 troops of the Line. Whatever necessity there might be for maintaining distinctions between the different portions of the Native army, he contended that no such necessity existed in the case of Her Majesty's forces. The opponents of the proposed amalgamation said that the local force should be the largest; but in the past history of India the local European army had been extremely small. Their Lordships had to decide therefore between the scheme of the Government and the scheme of the opponents of amalgamation, the latter scheme involving at least an equal amount of change with the former. The noble Earl himself agreed that if we maintained a local force in India at all, it must be one of considerable magnitude, otherwise it would sink into a subordinate position, incompatible with the *status* of officers of high character and ability. The noble Earl said there was a necessity for a greater number of officers, and that under a system of irregular instead of regular Native troops they would not have an adequate number of officers available for Staff employment in India. The question as between regular and irregular Native troops was, however, irrelevant to the subject before the House, and if any change should be adopted in that respect, it would not be adopted as the result of this Bill. But even if one-half of the European army in India consisted of local troops and the other half of troops of the Line, the number of officers

available for the Staff would be the same. A greater number could not be drawn from a local force than from a Queen's force. It had been argued in "another place" that Queen's officers would not be fit for these appointments, or, if fit, would not be willing to accept them. If they were favoured with the opinion that night of his noble and gallant Friend the late Commander-in-Chief of India (Lord Clyde), the House would doubtless be told that there would be no difficulty in obtaining a sufficient supply of Staff officers from the Royal army. But were the case otherwise, it would surely be easy to increase the Staff corps from other sources.

THE EARL OF ELLENBOROUGH was understood to remark that that could not be done under this Bill.

EARL DE GREY AND RIPON: That was a point on which he was not prepared to give an opinion. The noble Earl said the Governor General would not have power to choose officers from the Line and attach them to the Staff corps. His fears on that point were entirely groundless. A man might be a very good regimental officer, and yet be perfectly unfit for Staff employment or to take the command of a Native regiment. In such a case the Governor General would be able to dismiss him from the Staff at once, and he would become an officer on half-pay, in the same way as any other officer of the Queen's army under similar circumstances. It was intended that the Governor General's power to appoint or dismiss the officers of the Staff should be entirely unfettered. If, as the noble Earl said, the great danger in India was the danger of mutiny, nobody would deny that its best preventive was the maintenance of a strict discipline. It was therefore our duty, more especially under the present circumstances of India, to take care that those European troops who were to be the exemplars to all the other military forces in that country should be disciplined in the best manner, and be under the most perfect control. Now, no one who read the papers could fail to perceive that the regimental discipline of the local army was inferior to that of the Line. Sir James Outram, the late General Jacob, and other eminent authorities, although opposed to the amalgamation scheme, recommended that every officer before being appointed to a Native regiment should pass through a European regiment, in order that he might learn discipline. When regiments remained long, still more if they remained per-

Earl de Grey and Ripon

manently in India, the climate tended to enervate them, and was inimical to that perfect discipline which, however it might provoke the sneers of some, was nevertheless the only satisfactory basis of a sound military system; and this measure was the result of a determination on the part of the Government to institute a sound system of discipline in India. He earnestly trusted that the unhappy estrangement between the Natives, and the Europeans, in India would soon die away. That feeling could not be laid to the charge of any Governor General or any Secretary of State:—it was one of the results of the terrible crisis through which that country had lately passed. He knew that Queen's officers had been accused of treating the Natives with contumely and contempt; but he did not believe in the truth of those accusations. He was confident that those distinguished men who had from time to time held high commands in India, with the presence of one of whom they were honoured on that occasion, and whose services in the field had won, built up, and now recovered our wondrous empire in the East, had ever used their utmost endeavours to secure the best possible treatment of the Natives of that country. It would be the duty of every Commander-in-Chief in India, whether this Bill passed or not, to see that the same course was pursued by the officers of the Queen's army. He did not think it was fair to suppose that the men who go out in Line regiments are more likely in this respect to forget their duty than young cadets sent from this country to join Native regiments in India under the existing system. He would not detain their Lordships longer. The question was not whether they could continue things as they were; they must make a change in one direction or another; and after the events of last year; after the mutiny of the local European troops in India, which the noble Earl himself had condemned in the strongest terms, it was impossible, mutiny being the great danger of that empire, to overlook that event, and maintain a local European force in India. If any Member of the Government thought the adoption of this measure would operate with injustice to the officers of the late East India Company's army, or increase the antagonism of race and produce injury to the Natives, it never would have been proposed; but it had been brought forward after deep consideration of all the difficulties of the question, after much doubt and hesitation, and

he earnestly hoped and believed that, if adopted, it would not lead to the unhappy results prophesied by the noble Earl, but place the foundations of our Indian Empire on a more sure and stable basis.

THE DUKE OF CAMBRIDGE: My Lords, before this discussion closes, I feel bound, occupying the high military position I do in the country, to make some few observations on the Bill now before your Lordships. And I do so with great doubt and hesitation; for I feel that after the eloquent speech of the noble Earl (the Earl of Ellenborough) any observations of mine must appear weak and inefficient. I listened with great attention to the speech of the noble Earl, but I regret to say his conclusions were altogether different from those at which I have arrived. My Lords, with reference to what has lately taken place in India, I have had opportunities of hearing this important military and political question discussed from a variety of points of view; and, after giving the subject the fullest and most anxious consideration—after taking the opinion of military men especially, in whom I place the most implicit reliance—and of none more than my noble and gallant Friend (Lord Clyde), who sits behind me—I have certainly come to the conclusion that the time has arrived when this great question must be dealt with. The noble Earl in the last portion of his speech, referring to the various difficulties that had presented themselves in India, and the changes which resulted from the recent misfortunes that had occurred in that country, expressed his regret that this great additional change was now to be introduced into our Indian Empire. But he entirely forgets that it is impossible that Parliament can postpone its decision on the changes which must result from those events. My Lords, if there be one point upon which I have never heard a difference of opinion it is this—that this great question must be settled immediately. Upon that point all military men, whether officers of the Line or of the Native army in India, are entirely agreed. This is a question it is impossible to postpone; it is a question which it would be most dangerous, were it possible, to postpone—one which, if postponed, would lead to more unfortunate jealousies, heart-burnings, and feelings of discord, than even now exist. Militarily speaking, I cannot understand how it is possible to defend the maintenance of two separate and independent European armies in India under the

present system of governing that country. I can understand how two armies could co-exist when the Government of India was conducted through the medium of the Court of Directors; but, when that divided authority ceased, and the direct authority of the Crown took supremacy in India, as in every other part of Her Majesty's dominions, I cannot comprehend how two European armies of different constitutions can owe a divided fealty and allegiance to one undivided Sovereignty. Even supposing that these local troops were of a more local description than is now proposed, I do not see how they could be maintained without reference to the authority of the Crown; for I must declare my entire concurrence in what fell from the noble Duke (the Duke of Argyll), that when you hear of the Horse Guards the phrase really means the authority of the Crown; in fact, this is virtually what is wished for by those who are opposed to the amalgamation of the armies—that a certain proportion of European troops of the Queen's army should be placed in such a position in India that the Queen's authority can really not be exercised over them; for the Queen's authority over European troops must rest with the Commander-in-Chief, and that authority is to be put on one side altogether. I hope, however, that it will not be supposed for a moment that I mean to afford any grounds for an observation which I regret to hear sometimes made—that the Commander-in-Chief in England wishes personally to exercise any authority over the troops in India greater than that disciplinary authority which your Lordships would wish to see resting with that officer. The Commander-in-Chief at home never has interfered in the slightest degree with the Line troops of the army serving in India; and the same system exactly which has hitherto existed it is intended shall continue. There is nothing in this Bill to lead your Lordships or any one else to suppose that any change is intended in that respect. I for one am very free to admit that any Statesman placed in the position of the Governor General of India must be invested with unbounded authority in every respect, both military and civil, as long as he holds that high and important position. But the question of the jealousies and heart-burnings between two different bodies of European troops is one of a very different character; and the sooner you get rid of such feelings the better it will be for the public service—the State must be

better served when all join heartily together in undivided allegiance. I have the greatest confidence in the loyal intentions of the officers of the Indian army. I believe them individually and collectively a high-minded, a high-principled, a noble race—men who would do their duty by the State, whether as local troops or not; but I think it is more than human nature to expect that they should not be jealous of the troops of the Line; while, on the other hand, the troops of the Line were naturally jealous of the local force when they saw them getting all the good things for themselves. Now, if this measure be passed, the Governor General will be still able to dispose of the troops in India in any manner he may think fit. The noble Earl says that the Bill will very much curtail the Governor General's power of selection for the various appointments, civil and military. But I beg to assure my noble Friend that there is nothing in the measure which will in any way change the power of the Governor General. Suppose he wishes to take any man he may think qualified from a regiment of the Line, and put him in the Staff corps, or to hold any position of trust in India, he will have entire power to select him, only then another officer will be appointed to the regiment from which he has been taken. Hitherto when officers have been elected to fill appointments in India their places in their regiments have not been filled up, and the consequence has been that the efficiency of those regiments became impaired. In future, when selections are made, the officers upon whom those appointments are to be conferred will be transferred to the Staff corps, and the vacancies thus created in their regiments will be at once filled up. Again, I have heard doubts frequently expressed as to whether a sufficient number of officers of the Line, willing to devote themselves to an Indian career, can be found; but, for my own part, I must confess that my experience on this point—and it has been considerable—has led me to form the conclusion that there will be no dearth of officers of that description. In support of this view I may observe that nearly three out of every four young men who apply for commissions in the army specially solicit appointment to regiments serving in India in preference to those located at home or in the Colonies. I believe that to be a sufficient reason for supposing that we shall have no lack of officers of the Line anxious to go to India. And there is a very simple

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and natural cause why that should be so, inasmuch as an officer going to India and not possessed of large means—as is the case with so many who enter the army—finds himself, the moment he lands in that country, an independent man, his means being so increased that he is no longer obliged to look to his family for assistance,—with a career open to him which would not present itself to him in the same degree in any other part of the world in time of peace. So much for that objection. But it is also contended that a deteriorated class of officers would, under the new system, enter the service. Now, all I would say in answer to that argument is that you will find an officer of the Line has, almost in every instance, a brother, a cousin, or some other connection in the Indian service; and how, under those circumstances, it can be maintained that an inferior class of men will enter the army under the operation of this Bill I am at a loss to understand. For my own part, the point is one on which I entertain no apprehension. It has also been repeatedly asserted that officers of the Line will not qualify themselves for local service in India. And what, let me ask, is the reason advanced for making that assertion? Simply that officers of the Line have not hitherto been in the habit of so qualifying themselves. Those who rely upon that fact, however, must bear in mind that hitherto appointments in India have to officers of the Line been hermetically sealed, those appointments having been reserved for officers of the local force. My noble Friend who spoke second in the debate (the Earl of Ellenborough) it is true, taking a high-minded view of the subject, has long argued that appointments in India ought not to be confined exclusively to the local troops; and I admit that of recent years they have, in some degree, been placed within the grasp of officers of the Line; but then the appointments which the latter received were of a character inferior to those which were conferred on the former. I have, under these circumstances, the strongest conviction that when appointments in India are freely thrown open to officers of the Line they will render themselves as capable of filling them as the officers of the local force have hitherto done. My noble Friend in the course of his speech alluded to the irregular Native service in India, and expressed a doubt whether European officers of the Line would arrive in India sufficiently young to be able to

qualify themselves sufficiently to be made available for duty in that service. Now, if I were of opinion that they would not, I should, I confess, hesitate as to the expediency of passing the Bill before the House. My belief is, however, that as there will be a large number of regiments of the Line employed in India, in which there will be a considerable number of young ensigns, cornets, and lieutenants; and, inasmuch as there will be no restrictions placed on those young officers qualifying themselves for transfer to the Staff corps, there will be no difficulty experienced in finding men ready to learn the Native languages, and that not superficially, but thoroughly and colloquially. I come now to the question of discipline, which is one extremely grave and important; but in dealing with it I know I shall have the sympathies of my noble Friend (the Earl of Ellenborough), who is too much a soldier not to feel that those troops which are best disciplined must also be the most efficient. The question is, nevertheless, a very delicate one to handle; but, while I experience some difficulty in speaking upon it, I feel assured the sentiments to which I may give expression will not be misunderstood by the officers of the Indian army, for the whole of whom I entertain the highest respect and esteem, and that they will not suppose I desire to class them in point of efficiency below officers of the Line. I distinctly disclaim all intention to do anything of the kind; but, if any difference in the degree of the discipline of the two forces exists, I should be disposed to attribute it to the deteriorating effects of the Indian climate, which invariably—I can speak of my own knowledge—so acts upon regiments of the Line which have passed any long time in that country that they become so deteriorated as to render it necessary that they should be reformed and reorganized on their return home, before they can be considered fit to take the field. It is to the effects of the Indian climate therefore, and not to any want of zeal or energy on their part, that any falling off in discipline in the case of the European army in India is, in my opinion, to be attributed. Be that, however, as it may, the question of discipline cannot be got over, and we must not shut our eyes to the fact that almost every eminent authority on the subject distinctly and unreservedly declares it to be his conviction that the discipline of the local European regiments in India is not equal to that of regiments of the Line. I mean such discipline as it

is expedient to keep up in a time of peace as contrasted with one of war, when every Englishman knows how to bear himself with gallantry and honour. I am speaking, in short, of that regimental condition which it is necessary to maintain in time of peace even more than in time of war, when the excitement of the contest rouses men to more than the ordinary degree of energy. To uphold such discipline is, I contend, of the last importance, and I for one can never share in the contrary view, which I regret to find is maintained in some quarters. The fact that the discipline of the Line is superior to that of the local European force in India, ought, I think, to have the greatest weight in the consideration of this question. My noble Friend has stated that it would be desirable to have one army to act as a check upon the other in India; but I am somewhat astonished that he should advocate the adoption of a course which would necessitate the keeping up of a larger army in India than, as experience has proved, would otherwise be required, and that, too, simply with the object of one force watching the other. There is another matter which has been largely referred to, and upon which great stress is laid. I allude to the unfortunate bugbear of “the Horse Guards,” which seems to cause so much unpleasant feeling in various quarters. I do not know what the Horse Guards may have been in former days, but, as the present representative of that establishment, I am quite ready to invite the public generally to enter our walls and to cross-examine me as to every act and deed of mine since the day I became Commander-in-Chief. A great many charges are constantly brought against the Horse Guards. I am perfectly ready to meet them if I could only know what they are. It is hinted that the Horse Guards have an immense amount of patronage at their disposal, which is always badly exercised—and, in short, that it is only distributed with a view of showering favours on certain individuals. I hope it is unnecessary for me to assure your Lordships that the fact is otherwise; but I wish to take this opportunity of stating in this House, and through this House to the country, that as far as I individually, and the officers acting with me, are concerned, the only object we have at heart is the welfare of the State and the welfare of the army, and that any mistake which may be committed is due to an error of judgment, and not to any wilful error of intention. Such is

my opinion of the officers of the Indian army, that I can assure those who suppose I think otherwise, that I consider that among the advantages arising from the present Bill, not the least will be that a large body of valuable and efficient officers will be added to the general military service, and will become available for employment in conjunction with the officers of the army, in operations in any part of the world which the requirements of the State may hereafter necessitate. At the time of the Crimean war not one officer belonging to the Indian army was in a position to serve there; and it was not till after various regulations had been made for draughting them into Turkish and Irregular corps that we were enabled to avail ourselves of their services during that great contest. That is a state of things which I regard as highly unsatisfactory—quite as much so as if the officers of the Line could not be employed in any portion of Her Majesty's Indian dominions which was thought desirable by the Governor General. I make these observations with the desire of expressing my views upon the question of amalgamation, which my noble Friend seems to differ from, and I think this Bill will carry out the objects in view. I most conscientiously believe that its details, when carried out, will produce an entire amalgamation; but, whether that object be successfully attained or not, I repeat that my sentiments, and those of the authorities at home towards Indian officers are of the most cordial and friendly nature; and while we think it of the utmost importance that the two armies should be united, we are careful to avoid expressing any sentiments which can be construed to be unfavourable either to the military or personal character of the officers of the Indian army. I appeal to my gallant Friend behind me (Lord Clyde) whether there has been any instance in which they, or I, have refused to put forward all the recommendations which he sent home in reference to officers of the Indian army during the late emergency. If an examination were made into the relative proportions of honours and distinctions awarded to the two services, it would be found that those awarded to officers of the Line were but few in number as compared with those of the local army. I do not complain of that: I do not mention it as matter for regret; but I feel it right to do so, because it is said that the moment the amalgamation takes place these officers

will be entirely put on one side. There are a great many other military matters connected with the amalgamation on which I should desire to touch, but as the subject has been so fully debated I will not enter into them. I will say—and say most earnestly—that my sincere belief is that if this valuable measure be postponed, very serious mischief will follow to our military position in India; but, if it be adopted, nothing, I think, will more tend to restore harmonious action in that great territory. The subject of reliefs is the only one which remains for me to allude to. The noble Earl (the Earl of Ellenborough) seemed to doubt the possibility of our furnishing reliefs.

THE EARL OF ELLENBOROUGH: In time of war.

THE DUKE OF CAMBRIDGE: I think the noble Earl will admit that in time of war the system of reliefs, like every other military department, must exhibit considerable irregularity. But I maintain that it would be as easy to send out reliefs in time of war as to furnish the draughts which would be required for a local force; and that young recruits would much sooner dwindle away than a complete regiment, which has vitality in itself, and can therefore be moved about with less risk. I admit the difficulties are great, but I do not believe they would be greater than in the reinforcement of a local army, and, with every respect for the opinion of the noble Earl, I cannot therefore assent to it. As far as my acquaintance with this Bill extends, there is nothing in it which in the smallest degree trenches on the undivided power of the Governor General, supported as he will be in military matters by his own Commander-in-Chief. There is no intention whatever on the part of the home authorities to interfere directly or indirectly with the power to be exercised by the Governor General over the army in India, and I believe Her Majesty's Government are fully impressed with the belief that to attempt any such interference would be one of the most dangerous steps that could be adopted. For these reasons I am of opinion that the measure may be passed without incurring that risk of which my noble Friend is apprehensive.

THE EARL OF DERBY: My Lords, I feel that it may appear presumptuous in me to offer even a very few observations to your Lordships after the high authorities to which we have this evening listened. But at the same time, as my noble Friend

has expressed his intention of dividing—though I may say, in passing, I hope under present circumstances he will abstain from doing so—I should be sorry that a vote were taken on this question, which has been one to me of great care, great anxiety, and great attention, without saying a few words in explanation of the course that I am about to take. I wish I could entertain the same confidence as to the results of this measure which has been expressed by the noble Duke on the part of Her Majesty's Government and by the illustrious Duke on the cross benches who has just sat down; and I wish I did not to any extent share the apprehensions expressed by my noble Friend beside me (the Earl of Ellenborough); but I confess that I do look forward to the effects of this measure—or, rather, to the measures which will result from it, with considerable anxiety and apprehension, which are by no means diminished by the prospect before us being so extremely vague and by the very imperfect explanation of the intentions of the Government. The noble Duke stated that the Bill about to pass would not produce certain important consequences—that is to say, that those consequences are not involved in it; but the noble Duke at the same time was compelled to admit that in this Bill was contemplated the introduction of ulterior measures, which will flow as natural consequences from it. What those consequences are and how those difficulties are to be met Her Majesty's Government have not stated to the House. The great objection which I feel to the measure arises from the conflict of the opinions which have been given by the highest authorities respecting the propriety of the amalgamation of the Indian army, in whichever of the various senses of that phrase we are to understand it. It unfortunately happens—I do not say it is without exception—that almost all of those who have been most intimately connected with the Indian service are for maintaining the existing system, while all those who are connected with the Line have given their opinion in favour of a general amalgamation. Before I proceed I wish to say a word as to what I mean by amalgamation. I do not for a moment dispute—on the contrary, I admit, and I contend for the necessity of concentrating as far as possible in one hand the authority over all Her Majesty's forces in India. With regard to the discipline of the troops, it is necessary that a superintending power should be

exercised with that discretion which I am sure will always characterize the administration of the Commander-in-Chief of Her Majesty in this country. But with regard to the service itself, and to all employments, whether civil or military, I concur with the opinions which have been expressed by nearly every one who has spoken, and by no one more emphatically than by the illustrious Duke, that the undivided authority and responsibility should rest with the Governor General in the first instance, and in a subordinate and concurrent way with the Commander-in-Chief in India, and not in this country. I repudiate also altogether, as an argument which should enter into the consideration of this question, jealousy of the Horse Guards and the patronage which it is supposed will be vested in that department. I am perfectly certain that all those who have been connected in any way with the illustrious Duke at the head of the army, must know that there is no man less desirous of absorbing patronage into his own hands, or so little capable of abusing it; but in point of fact, I do not believe that this Bill for the amalgamation of the Indian army as a consequence will, in the slightest degree—especially after all the restrictions recently imposed on the patronage of the Horse Guards—increase the amount of that patronage or afford the slightest legitimate ground for jealousy on account of any supposed transfer of power. But there are two senses in which we may speak of the word amalgamation of the armies, and which has been alluded to by the noble Duke who introduced this subject in a speech of singular ability and clearness. There are two views of the question—one involving the consideration of a single army equally applicable to the service in all parts of the empire; and the other, an overwhelming local army in India, assisted by a subsidiary force from the Queen's troops; and if, on the one hand, the alternative proposed were to absorb, in the hands of the local army, the whole of the military power in India, or, on the other hand, so completely to effect an amalgamation as that not a single soldier in India but should be in the general service—if that were to be the alternative, then I should undoubtedly prefer the entire amalgamation to placing the whole military power in the hands of a local force. But that is not what I understand by the question as between the amalgamation and the *status quo*. The noble Duke has told us that the continuance of the *status quo*

is impossible, but he has not furnished us with any reason why it is so. There are very considerable advantages in having in India a certain portion of the army consisting of local forces only enlisted for local services only. I do not deny to the illustrious Duke that the discipline of a regiment permanently attached to one particular service, more especially in time of peace and in a climate like India, and when the men are permanently attached to one particular service, is liable to be deteriorated and relaxed, as compared with the discipline of a regiment fresh from home or colonial service. For that reason, as the illustrious Duke knows, for the subject has frequently been discussed by us, I have always thought it desirable constantly to infuse into that local force fresh blood from British regiments, and, both with regard to soldiers and officers, to incorporate them in such a manner as to make them all amenable to the same discipline and the same authority, equally framed for time of peace and of war. But the only question which I think is a legitimate subject of discussion is whether it is expedient, or whether it is not, that a certain portion of the forces of India should be specially devoted to local service and confined to India as at present. The objection which I have to this measure is that it solves that question, or at least calls upon Parliament to decide upon it in favour of amalgamation, and against the existence of a local force, without furnishing us with any information as to the scheme by which the Government think they can overcome the obvious difficulties which surround the carrying into effect their proposal. The Bill before us, as my noble Friend has remarked, is simply for the gradual extinction of the present local force. It is not for the amalgamation but for the gradual but certain extinction of the local army; and there is this extreme inconvenience affecting it, that by the engagements entered into that extinction must be a process extremely gradual and slow. You cannot carry it into effect so long as there is a single officer or soldier enlisted under the terms of service prescribed by the Indian regulations. There are many points on which we are left entirely in the dark, with regard to which it would have been very desirable that some information should have been furnished to us. There is the question of the establishment of a Staff corps. We ought to know what is to be the nature of

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that corps, how far it is to have a monopoly of Staff employment, how far it will be attached to the Indian Government, and how far the officers are to be brought back to the permanent strength of their regiments, if they do not efficiently perform their duties. All these are circumstances that affect the practical working of the measure, and I think that, before we come to a decision on the question that we should absolutely do away with the local army, we ought to have a comprehensive scheme from her Majesty's Government of what they propose to substitute for it, and how they mean to meet the difficulties of the case. The question of reliefs has been adverted to by my noble Friend near me and by the illustrious Duke, and we were told by the illustrious Duke that there was no difficulty in ordinary times of carrying on a system of reliefs for that portion of the army which is in India. But there is this difficulty to be considered:—if instead of having 20,000 British troops in India you permanently have 80,000, it is necessary that, in order to supply reliefs to the extra 60,000, you should also have an addition of 30,000 to the regular army, in order to carry out the reliefs at five and ten years for that increased number of 60,000, which, though not at present, you will have to relieve. I do not mean to say that under the present system you are not obliged to send out continual recruits for a very large body of men; but that is quite different from periodical reliefs of regiments; and if instead of having 20,000 men in India you have permanently 80,000, you must have an addition to the regular army to make good the relief required by these extra 60,000. This is a question of serious importance, but overlooked in the Government statement. Then there is the consideration whether after you have made this change you will have the same facilities for a permanent supply of officers qualified to fill important appointments. It is quite true that many officers will go from this country in the prospect of Staff employment and other advantages in India, and qualify themselves by learning the languages and for holding other appointments, yet undoubtedly there will be a diminished number of officers who will go out, as far as young men are concerned, with the determination of attaching themselves to the country, of making it the country of their future career, and the scene of their future fortunes; and there will be a still smaller number of persons who will go

out with the intention of making India a permanent residence, and of studying the habits, education, feeling, and character of the Natives. You cannot expect that when a man goes out with his regiment to serve ten years in India, with the prospect of quitting India with his regiment, that he will pay the same attention to, and take the same interest in, the well-being of India and the welfare of its Natives, as those who go out as young men knowing that their whole future career is identified with and bound up in the well-being of India. Then there are very considerable difficulties in the way of amalgamation arising from the different character of the different services, and I presume it is the intention of her Majesty's Government as the operation of this Bill altogether does away with the local force, that the Indian system of promotion shall be done away with also, and that the system by purchase is to be introduced into the Indian as well as into the home service. That, again, is a large and important question, and one of considerable difficulty, and on which we have no explanation on the part of the Government. Another question about which the Government has not given the slightest intimation as to how they propose to deal with it, was the question of officering the Native regiments. So far as they are concerned, you must have two separate armies—of Native and British troops—and it is not to be supposed that they are to be put on the same footing. By the existing system there is a constant provision for young men being sent out to be educated specially in the Indian service, and attached to the Native regiments, and formed for their command and management. I will not say whether in all cases they have fully performed the duties expected of them; but at present you have a body of men who understand the Natives; but what provision is made now that the local force is abolished, to bring up a body of men for the special service of officering the Native regiments? I have heard no explanation from the Government on this very important point. I cannot help thinking that although there may be many officers willing to enter the Indian service, and even, as the illustrious Duke on the cross benches says, this service is rather preferred by the great majority of officers who enter the army, I cannot help thinking that when you are going to multiply the British force in India—say to the extent of one-third of the British army being in

India—there will be great disinclination to enter a service in which, in all probability, one-third of their military career will be passed in India. It may be true that to some officers it is a great inducement—it would be a great inducement—to have a career in India; but that is rather an argument in favour of the establishment of a local force, than for the introduction of a general system by which every man who enters the army will have, in all probability, to spend a considerable portion of his time in India. I am very unwilling, at this time of night, to detain your Lordships with observations which will fall with little weight from me; but I wish to express my opinion that we are adopting a course without sufficient knowledge, and without sufficient consideration. We cannot foresee the result of what we are doing, and we are pledging Parliament to a measure so far from perfect that there will be no possibility of retreating from the position which we have taken up, while no provision is made for meeting the difficulties and dangers by which the question is surrounded. On the other hand, I agree with what has been stated by the illustrious Duke—that it is very desirable an early agreement should be come to. I cannot shut my eyes to the fact, that this measure has received the sanction of a very large majority in the other House; and I should consider it a misfortune, which I do not think likely to occur, if, after that strong expression of opinion, if, after the determination of Her Majesty's Government, and after the expression of opinion by the illustrious Duke, it should be made a matter of uncertainty what course will be pursued. Although I wish Her Majesty's Government had more carefully considered the consequences, and more clearly proved what may be contemplated from this measure, before they called on Parliament to pledge themselves to it, yet, on a balance of evils, and in a choice of difficulties, I shrink from taking on myself the responsibility of advising your Lordships to again throw the matter into a state of uncertainty. I prefer to leave to the Government, who, I presume, have more mature schemes than they have already disclosed, the responsibility of the great and dangerous work which they have taken in hand, and I shall certainly be sorry if I am called upon to give my vote upon the second reading.

LORD CLYDE, who was almost inaudible, was understood to say that his experience in India had entirely convinced

him of the absolute necessity of having only one European army, moveable as one force, maintained at one point of discipline, and acting, as it were, with one soul. On his arrival on one occasion at a station, a night's journey from Simla, the Adjutant General of Artillery, a most distinguished officer, addressed the Chief of the Staff, and asked what the General was going to do. He said the General was going to speak to the men. The officer said they were past that. This anecdote showed what was the discipline of a European local force. He had never before seen troops in such a state that they would not listen to their officers; but to avoid the great evil of employing other European troops against them, he was obliged to form a commission, before whom the men appeared and stated their grievances. There were many other circumstances which came to his knowledge and made him arrive at the conclusion that for the character and honour of the country it was necessary that there should be but one army and one discipline. He entirely concurred in all the opinions which the illustrious Duke had expressed, and it was almost painful to him to disagree with the noble Earl, of whose extreme kindness he was deeply sensible (the Earl of Ellenborough), when the noble Earl said that this measure ought to be postponed. The business must be settled at once. To remove the jealousies and suspicions which he must admit existed, it was very desirable that some decision should be arrived at, and that the opinion of their Lordships and of the Government should be no longer left in doubt.

EARL GRANVILLE: My Lords, I am sorry to have to say anything which may weaken the effect of what has fallen from the noble and gallant Lord who has addressed you for the first time to-night, and whom we all consider to be so valuable an accession to our number; but there are one or two words which at the close of the debate it is my duty to say referring to some things that have been said in the course of it. The noble Duke who introduced the Bill on behalf of the Government referred to the difficulty which arose, from the existence of two European armies, to the transfer of the Government of India from the Company to the Crown when Lord Aberdeen was in power; and for many years past I have understood that one of the great advantages of the abolition of the East India Company would be the removal of that anomaly which, as the noble

Lord Clyde

and gallant Lord has clearly pointed out, must end in jealousy and inefficiency. I have listened with great interest to this debate, and that which fell from the noble Duke (the Duke of Argyll) with regard to the history of the Indian army was new to me, and, I dare say, was new to many of your Lordships, and I was anxious to hear what arguments would be used on the other side. Two speeches only have been adverse to the Bill; but the speeches of those two noble Earls differ very much in the amount of their opposition. But I confess I do not find in the speech of the noble Earl (the Earl of Ellenborough) any answer to the statements made by my noble Friend (the Duke of Argyll). The noble Earl assumes that the ground upon which we recommend this Bill is solely what took place with respect to the mutiny of European troops last year; but the noble Duke, in bringing this subject before your Lordships, dwelt as lightly as possible upon that event, and adduced a whole string of arguments in support of the measure to which the noble Earl never alluded. The noble Earl said that our European army in India ought to be "in compartments," so as to insure that one part would, if necessary, act against another. That phrase about a division into compartments was employed by Lord Elphinstone in one of his papers, but was applied, and applied more justly, to the necessity of a certain division of races and districts from which you could recruit your Native army. In the case of an European army dealing with a Native population there is already a sufficient division into compartments, and it is erroneous to suppose that anything more is required for the security of the empire. He also dwelt upon the unwillingness which, he said, exists on the part of the officers of the Royal army to devote themselves to Indian life; but upon this point he was conclusively answered by the illustrious Duke (the Duke of Cambridge), whose experience up to the present day must have much more weight than that of the noble Earl, who acquired it many years ago, and who can have no knowledge with regard to the feeling of young officers of regiments of the Line now. I also think that the objection as to relief was answered by the illustrious Duke, who showed that in time of war, when, and when only, any difficulty could arise, it would be quite as easy to send the necessary reliefs to regiments of the Line as to send the necessary recruits to the local army. The noble

Earl then went into a variety of topics, such as the state of Indian finance and of the feelings of the Native population, which, although of the deepest importance in themselves, are entirely foreign to the question how we shall organize the European army! which we are to have in that country. The noble Earl opposite (the Earl of Derby), in a very fair and candid speech, in which he deprecated any opposition to this measure, complained that my noble Friend the Lord Privy Seal had dealt with only two alternatives, an entirely local army or an entirely Royal army, in which case he should have preferred the latter; but he had entirely overlooked a third alternative, which was embraced in a scheme of his own—that of having a small local army connected with a Royal army. That suggestion entirely upsets the argument of the noble Earl below the gangway (the Earl of Ellenborough), who thought that the great advantage of the local army would be to overawe any disposition to mutiny which might arise in the Royal army—because for such a purpose a small local army would be of no use. With regard to the want of discipline in the local army, the noble Earl appealed to the illustrious Duke whether it had not always been his intention as much as possible to introduce fresh blood into that army by means of officers from the Royal army; but that also is entirely contrary to the views of the other noble Earl, who attached importance to the officers of the local army being brought up without any introduction of foreign blood, and with the feelings naturally engendered in a local army. The noble Earl then complained that the Government had introduced this Bill in this simple form and without communicating to Parliament a full and detailed scheme, including all the arrangements which they proposed to adopt. That matter was very fully considered by the Government, and I believe that we came to a right decision upon it. One advantage which will result from the course which we have adopted is, that when the general principle has once been decided by Parliament we shall receive from the Members of the Indian Council, who are opposed to our decision, the honourable help which they are sure to give and are even now giving in arranging the details of the measure in the most satisfactory manner possible. I believe that Her Majesty's Government have got a scheme which, upon the whole, they are prepared to carry

out; but as in working it out some of the details will probably require alteration, it would, in my opinion, have been most unwise to stereotype them in an Act of Parliament. I do not think it necessary to go into a full discussion of all the details which have been referred to in the course of this debate, but I wish to relieve the Government from the charge of having brought forward this measure with precipitancy or without sufficient consideration. We had the advantage of seeing and considering the plan which was prepared by the late Government, and of hearing from all parts of India what were the opinions entertained of that plan; and I must say that, whatever may be the merits or demerits of the other two schemes, that smaller plan which was prepared by the noble Earl by no means satisfied the wishes or expectations of those who were most anxious for the maintenance of a local army. I say, therefore, that instead of acting with precipitancy, we have proceeded with the greatest consideration, and at the same time entirely in accordance with the necessity which exists for an immediate settlement of this question, and which, as my noble and gallant Friend has said, is so great that it would be better to decide it wrongly than not to decide it all. With one observation which was made by the noble Earl opposite I entirely concur—namely, that in which he appealed to the noble Earl below the gangway not to divide the House upon this question. I am not afraid that if he did so, the Government would be placed in a minority; but I think it most important that, after the protest of the noble Earl has been delivered, as much unanimity as possible should be exhibited with regard to this measure.

Resolution agreed to.

Moved, That the Bill be now read 2^a, objected to; and, on Question, *agreed to*; Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on *Monday* next.

TRANSPORT OF TROOPS AND STORES TO CHINA—QUESTION.

THE EARL OF ELLENBOROUGH: I wish now to ask the noble Duke opposite (the Duke of Somerset), Whether he has received any information as to the probable expense of transporting troops and stores to China? I yesterday saw an extraordinary statement, in which it is said that there are

at Hong Kong or in the Chinese seas 90,000 tons of shipping, in addition to 15 merchant steamers of great size, and 14 belonging to the Crown, the total expense of which was said to amount to the enormous sum of £170,000 per month; that all this tonnage has been engaged for between two and three months. If this be so, all the money which has already been voted will have been expended upon tonnage alone before the troops move to the north. In addition, it is stated that a vessel was chartered to bring on hay at 40 rupees, or £4 per ton measurement, when a cargo of that article might have been procured at San Francisco and taken to China for four dollars a ton. It is also said that a vessel was chartered at 22s. per ton per month, filled up with firewood at Whampoa, and despatched to the north, where the wood could have been obtained at one-fifth of the sum paid for freight. I am sorry that I have not by me the paper preceding the one from which I have been quoting, in which also there are some strange statements as to how matters are going on. Among other things, it is stated that the expedition was sent out without a provision of coin or bullion, and that the draughts which have been issued have pressed very heavily upon the commercial rate of exchange. It is also said that it had been omitted to order a sufficient quantity of coal for the steamships, and, unless certain speculators had sent up a huge quantity of that article of very good quality to Hong Kong, it would have been impossible for the steam-vessels of the expedition to move. It was stated, in the first instance, that various officers of what used to be called the East India Company's local army were sent out to superintend the Commissariat, and it appears that certain of those officers were sent back. Now, whatever may be the demerits of the local army of India in general, its commissaries have obtained the confidence and applause of every successive General who has held command in that country. These are the statements which I have to mention to the noble Duke opposite, and I shall be glad to have his answer.

THE DUKE OF SOMERSET: As I understand the noble Earl's question, it is whether any Estimate has been received of the cost of transport for the force to be employed in China. He is probably aware that the amount taken in the Estimates for the expense of transport was £1,816,000. As far as information has as yet reached

The Earl of Ellenborough

us, the cost of hire of transports taken up in England will be £15,932 per month; the cost of transports taken up in India £69,532 per month; and the cost of transports taken up in China £32,049 per month. Over the transports taken up in India and China the Government here can have no control. The noble Earl must see that the largest portion of the cost is for the transports so taken up in India and China; and that the total hire of transports, including those taken up in England, comes to £117,513 per month. Then I have a calculation as to the cost of coal for 22 steamers of 5,230 horse power for 30 days, say steaming twelve hours a day, and consuming 5 tons of coal per 100-horse power. The expense of this is £27,457. Then the item for mess, victualling, forage, bedding, &c., is about £20,000. I therefore reckon the entire expense in China since the 1st of June last to have been going on at the rate of £164,970 per month, or nearly £2,000,000 a year.

THE EARL OF ELLENBOROUGH: Just within £6,000 per month of the amount I stated.

THE DUKE OF SOMERSET: This is the result, as far as I am able to make it out from our data. I think the noble Earl is mistaken with regard to the want of coal at Hong Kong and Singapore. Very large quantities were sent out to those places, and although we have received letters thence, we have not heard of any deficiency of coal either at Hong Kong or Singapore. We know also that coal has been obtained of very good quality from Japan, and has been supplied, I believe, for the force in Northern China.

THE EARL OF ELLENBOROUGH: The noble Duke has made a very full and fair statement very much corresponding to that which I have given from the newspapers; and I shall now pay more respect than I have done before to the information so circulated. I cannot help feeling great surprise that this expense should be so enormous. I had myself to frame an estimate in India of the cost of an expedition to China, and from a reference to the official papers published the other day, I find that my calculation was not more than £30,000 at fault. That was pretty well in regard to an entire estimate of £1,200,000. I think it doubtful whether it is expedient to send out Civil Commissaries from England.

Subject dropped.

ECCELESIASTICAL COMMISSION, &c., BILL.
COMMITTEE.

Order of the Day for the House to be put into Committee read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

THE BISHOP OF LONDON said, that great difficulty had arisen from the intimation contained in the printed papers of an Amendment which was about to be moved to this measure. That Amendment was very complicated, and in his (the Bishop of London's) opinion, if persisted in, would make it most undesirable to go on with the Bill. He begged their Lordships not to proceed with the Committee until they had considered the effect of the proposed Amendment on the whole character of the Bill. The Amendment required all recommendations of schemes for altering salaries—

THE EARL OF DONOUGHMORE rose to order. It was irregular to discuss an Amendment of which notice had been given by anticipation.

THE BISHOP OF LONDON said, he would confine himself to the question before the House, namely, whether or no they should go into Committee. The proceedings of the Ecclesiastical Commission were greatly dependent on Orders in Council, which would have to be issued from time to time to regulate salaries where the dignitaries of the Church were affected by this Bill. These Orders in Council were of various kinds. First, there were Orders in Council which had to do with the salaries of the Deans, and these had to be regulated in many instances when a vacancy took place. There were only three Deans, so far as he knew, whose salaries were settled by Act of Parliament—namely, the Dean of Durham, the Dean of Westminster, and the Dean of St. Paul's. All the other deaneries were left undetermined, and with respect to many of them it was necessary to have an Order in Council to settle, when a deanery became vacant, what salary was to be received. If the income was below £1,000, Parliament had empowered the Ecclesiastical Commission to raise it to £1,000; if above £2,000, Parliament had empowered the Ecclesiastical Commissioners to reduce it to £2,000. In many instances it was necessary that they should use their discretion to settle what was to be the limit between £1,000, the lowest, and £2,000 the highest sum allowed. This was a complicated and difficult matter, scarcely understood by any

of their Lordships; he was not sure he distinctly understood it himself, and he had even very grave doubts whether it was understood by the noble Earl (the Earl of Chichester) who represented the Ecclesiastical Commission in that House. It depended on the construction of various Acts of Parliament, one of them being an Act enabling the Commissioners to lease mines. If Parliament was to be asked every time a deanery became vacant what should be the salary assigned, and if, also, as now proposed, Parliament were called on in every instance when a bishopric became vacant to revise the arrangements as to income, the whole character of the Bill would be changed and rendered most objectionable. Unless, therefore, the Bill were retained in its original shape, it would not be keeping faith with his right rev. Brethren who had gone to their dioceses for the performance of their important duties on the understanding that this Bill should be proceeded with in exactly the same spirit in which it had been laid on the table. Therefore, it was that he (the Bishop of London) maintained that if the proposed Amendment was to be persisted in, the House ought not to go into Committee. Moreover, if he might be allowed for one moment to allude distinctly to this Amendment, he would warn the noble Lord who represented the Ecclesiastical Commission (Lord Chichester) that the proposal now made would be fatal to all those voluntary arrangements which he hoped to effect under this Bill. Certainly no Dean and Chapter, and probably no Bishop would voluntarily commute their interest in their estates, if, as was now proposed, the whole financial arrangement in every case was to be discussed in Parliament. They would naturally prefer remaining in quiet possession of their estates. Recent debates were not likely to encourage ecclesiastics voluntarily to bring their affairs under discussion in the other House of Parliament; and, therefore, the proposal now made would render all that portion of the Bill which referred to voluntary arrangements quite nugatory. No doubt a great misapprehension existed with reference to these Orders in Council. He was not a little startled last night to hear the noble Earl (the Earl of Derby) state with such clearness as almost to convince the most unwilling, what in his view had been the deliberate judgment of Parliament against fixing the income of one Deanery by Order in Council at the rate at which

it was now fixed. But he would venture to submit to the noble Earl that the best way to judge of the intentions of Parliament was to look at the Act. Recollections as to what occurred while a Bill was passing into an Act might be vague—in this case they were contradictory. It certainly was proposed in the other House some years ago that the salaries of Deans should be limited to £1,000, but by the deliberate voice of Parliament that clause, he believed, was struck out of the Bill into which it had been introduced. If it were argued from words used in debate, or Amendments made on former occasions, that Parliament wished thus to limit Deans' incomes, similar arguments might prove that it had no such intention. The only safe course was to judge by the words of the Act. He put it, then, to the noble Earl whether it would be wise to give the sanction of his great support to an Amendment which broke faith with those who had given their consent to the Bill in its present form, and would introduce complications the end of which it was impossible to foresee.

THE EARL OF DERBY said, the statement which he had made the evening before, and to which the right rev. Prelate had just alluded, was based on what had previously fallen from the noble Earl opposite (the Earl of Chichester).

Motion agreed to.

House in Committee accordingly.

Clauses 1 to 37 *agreed to.*

Clause 38 (Trustees empowered to sell Estates held under Lease).

LORD CHELMSFORD moved the addition of words enabling trustees, with the sanction of the Court of Chancery, to invest money which they had received from the sale of leaseholds in the purchase of other leasehold estates, instead of in the funds.

Amendment agreed to.

Clause, as amended, *agreed to.*

Clause 40 (Compensation to Officers of Ecclesiastical Corporations).

THE EARL OF CARNARVON called attention to the case of parochial clergymen who had been deprived of the burial fees forming part of their endowments by the Act which prohibited intramural interments, and justified their claim to compensation by a reference to former instances in which it had been granted by the State.

EARL GRANVILLE hoped that the Amendment would not be pressed at the present moment.

The Bishop of London

THE BISHOP OF LONDON said, the case of these gentlemen was a very hard one. It was their misfortune to be clergymen; if they had been lawyers they would have received very good compensation.

Clause agreed to.

LORD STANLEY or ALDERLEY moved the addition of a clause requiring all recommendations of schemes whereby the salaries of any ecclesiastical dignitaries may be altered or increased to be laid before Parliament six weeks before they receive the sanction of the Order in Council. At present the law in this respect was in such a state that no one could exactly say what it was, and it was very desirable, therefore, that no act should be done without Parliament having cognizance of it, and having the opportunity of addressing the Crown upon the subject, if it thought necessary.

THE LORD CHANCELLOR said, he could not support the clause. Parliament in its wisdom had assigned certain functions to the Ecclesiastical Commissioners, and it was scarcely reasonable to require that it should be consulted on every exercise of those functions.

THE ARCHBISHOP OF YORK objected to the inconvenience of a clause which invited the House of Commons to discuss every increase of salary to a dignitary which was recommended by the Ecclesiastical Commission. The result would be to turn Parliament into the Executive body of the Ecclesiastical Commission.

THE EARL OF DERBY agreed that there would be difficulty in adopting such a clause as that proposed, especially as it was admitted that the matter was for the discretion of the Ecclesiastical Commissioners; and beyond this it was said that a check to any improper augmentation was to be found in the Orders in Council; but he understood that in point of fact the Ecclesiastical Commissioners were virtually irresponsible. He thought that it would be well if the Government, acting through the President of the Council, were responsible. If the noble Earl would say that there should be an Order in Council in every case of augmentation, he should be perfectly satisfied.

EARL GRANVILLE could not take upon himself to say what should be the precise mode in which the matter should be undertaken; but he thought that the Commissioners should bring under the consideration of the Government any case which required their consideration.

THE EARL OF DERBY only wished that there should be a real responsibility cast upon Her Majesty's Ministers.

LORD STANLEY OF ALDERLEY said, that if he could find any one to divide with him, he should certainly divide the Committee; but if those from whom he expected support refused to give it, he should not, of course, go into the lobby by himself. He should be satisfied if the Council, not only considered the legality, but the expediency of these augmentations.

EARL GRANVILLE promised to provide what security he could for these Orders in Council being considered, though he could not pledge the Government to any particular decision upon them.

LORD CRANWORTH hoped the noble Lord would not press his Amendment, as he thought everything he sought had been obtained by the discussion.

THE BISHOP OF LONDON said, that with deference to their Lordships, they understood very little about the matter.

LORD STANLEY OF ALDERLEY hoped that next Session a Bill would be introduced to define the powers of the Ecclesiastical Commissioners.

Amendment *negatived*.

Remaining Clauses *agreed to*.

The Report of the Amendment to be received on *Monday* next.

POOR-LAW BOARD CONTINUANCE BILL.

RESOLUTION OF URGENCY. SECOND READING.

EARL GRANVILLE *moved* to Resolve—

"That, inasmuch, as the Poor Law Commission will expire at the close of the present Session of Parliament if not continued by the said Bill, the Circumstances which require Legislation on the Subject Matter of the said Bill are of such real Urgency as to render the immediate Consideration of the same necessary."

Resolution *agreed to*.

Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

LOCAL GOVERNMENT SUPPLEMENTAL (No. 2) BILL.

RESOLUTION OF URGENCY. SECOND READING.

LORD WODEHOUSE *moved* to Resolve,

"That, inasmuch, as the said Bill only confirms, as required by Statute, certain Provisional Orders of the Secretary of State for the Home Department, under the Provisions of the Local Government Supplemental Act, 1858, relating to certain Places named in the said Bill, from none of which Petitions have been received by this House pray-

ing to be heard against the same, and as all the Improvements to be effected under the said Orders will be suspended for a long Time unless the said Bill be passed in the present Session, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary."

Resolution *agreed to*.

Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

EAST INDIA STOCK TRANSFER &c. BILL.

RESOLUTION OF URGENCY. SECOND READING.

EARL GRANVILLE *moved* to Resolve,

"That, inasmuch, as unless the Arrangements proposed in this Bill for obtaining the Assistance of the Bank of England in the Management of the Debts and Obligations of the Government of India are carried into effect serious Inconvenience may arise, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary."

Resolution *agreed to*.

Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at Twelve o'clock,
to Monday next, half-past
Eleven o'clock.

HOUSE OF COMMONS,

Friday, August 10, 1860.

MINUTES.] PUBLIC BILLS.—1^o Metropolitan Police Force (Dockyards); Naval Discipline.
2^o Peace Preservation (Ireland) Act (1856) Amendment; Party Emblems (Ireland).

SUPPLY.—CIVIL SERVICE ESTIMATES.

Order for Committee read.

House in Committee, Mr. MASSEY in the Chair.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £100,440, be granted to Her Majesty, to defray the Expense of Maintaining and Keeping in Repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith, to the 31st day of March, 1861."

COLONEL DUNNE said, he wished to give notice that he should early next Session call the attention of the House to the system of taxing the nation at large for Metropolitan improvements, as he thought

it was an unjust one, and one that pressed peculiarly heavy upon Ireland. His observation did not apply so much to improvements in Royal Parks and national institutions — though he thought Ireland paid more than her proportion towards those—as to purely local improvements, in the benefits of which the nation at large did not participate. To record his opinion on the subject, he begged to move the reduction of the Vote by a sum of £18,000, which he calculated was about the portion of it devoted to those purely local works.

SIR JOHN SHELLEY said, he should decline to enter into a discussion on the question raised by the hon. and gallant Gentleman opposite, at that late period of the Session, and in so thin a House; but he could not allow the attack made by the right hon. Gentleman the First Commissioner of Works on the Metropolitan vestries, in the course of his observations on the subject of the new ride through Kensington Gardens the day before, to pass unnoticed. He (Sir John Shelley) was prevented from performing that duty then in consequence of the impatience of the House to come to a division. It was easy for the right hon. Gentleman to get up a cheer in that House by sneering at the vestries of the Metropolis—but he (Sir John Shelley) must protest against the statement made by that right hon. Gentleman, that the Metropolitan vestries were agitating for popularity. The right hon. Gentleman should recollect that so long as the Metropolis was situated as at present, and was without any corporate action, the vestry boards must be looked upon as the local authorities and the exponents of the opinions of the inhabitants of the parishes for which they were elected. What would the right hon. Gentleman think if the Town Council of Hertford, with which he was intimately connected, were to petition against a measure similar to this, and be told that they had no right to interfere? Yet the vestries of the Metropolis quite as fully represented the people of their respective parishes as the Town Council of Hertford did the people of that borough. The right hon. Gentleman talked of agitation on this question, but was the agitation confined to one side? On the contrary, those who were in favour of the scheme had given notice that signatures to a memorial in behalf of the ride would be received up to a certain day, and those who could not personally sign were requested to give authority to a Committee to put their

Colonel Dunne

names to the memorial. He protested against this mode of getting signatures to a memorial. He warned the right hon. Gentleman that if he persisted in this ride, which was now known by the name of "Cowper's folly," he might expect formidable opposition to it in future. If he made it a permanent ride, it would be absolutely necessary to widen it, and he would be under the necessity of coming down to the House for another Vote. He believed that if the Vote of the previous day had been for £1,000 instead of £250 the result might have been different from what it was; and if the right hon. Gentleman at a future time came down for a large Vote to make the ride permanent, he would probably find that the House was wholly indisposed to go along with him. He hoped the right hon. Gentleman would abide by what he said in the first instance, that the ride was merely a temporary arrangement, and that he would wait till he ascertained what was the real and deliberate opinions of the public generally on the subject. Leaving that point, however, he wished to know what was to be got for the money now being expended at Kensington for the purpose of obtaining a pure supply of water for the Serpentine. He wished for information on this subject. He also wished to know something about the Vote of £1,800 for draining Richmond Park—what number of acres were to be drained? at what expense? and for whose advantage? He also desired to know whether the works were to be carried out by contract, and it would depend upon the answer he received to those questions whether or not he would move the reduction or omission of some of these items.

MR. BAILLIE COCHRANE said, he desired to know from the right hon. Gentleman whether he had any objection to open Storey's Gate, leading to St. James's Park, as especially in the case of hon. Members leaving the House, it would prevent a great *detour* which had now to be made.

MR. AUGUSTUS SMITH objected to the mode in which the Estimates were arranged, as well as to the expenditure of £2,300 for supplying Battersea Park with water by means of a steam engine, and also to the item of £300 for "propagating pits" in Kensington Gardens. He expressed a hope that his hon. and gallant Friend would limit his Amendment to the omission of those two items, and he should have his support.

MR. BARROW complained of the enormous increase that was taking place year by year in the Miscellaneous Estimates. With regard to the expenditure for the Metropolis, he thought it discreditable in the extreme that the inhabitants should owe the luxuries of their Parks and rides to the general taxation of the country. He had no wish to revive the subject of the ride debated the day before, but he could not help thinking that when the people had enjoyed from time immemorial the privilege of walking in Kensington Gardens to send equestrians among them was an encroachment that could not be defended. He had no doubt that when the attention of the public was fully directed to this subject there would be an expression of public opinion against it very different from that popular outcry of which they had heard so much. He should like to know what was the object of draining Richmond Park, and who were to be benefited by it. He thought those who were to derive the advantage should be at the expense.

MR. AYRTON said, he did not wish to revive the discussion on the ride in Kensington Gardens, but would simply remark that perhaps the right hon. Gentleman would find that in the end the question was a costly one for himself. The hon. and gallant Colonel complained of the charge for the Parks of the Metropolis, and raised the question as to the bearing of the expense on the taxation of the country. He (Mr. Ayrton) intended next Session to move for a Committee to consider the question of an extended municipality for the Metropolis, and the proper distribution and adjustment of the sums laid out on the Metropolis. He was in favour of an entirely new arrangement with regard to these questions, and he hoped he should have the support of the hon. and gallant Colonel when he came to move for a Committee.

MR. HENLEY said, he hoped the right hon. Gentleman would not think of opening Storey's Gate for horsemen, as it would naturally interfere with what was a common playground for women and children. He thought that if the hon. Member for the Tower Hamlets succeeded in getting the extended municipality for which he asked that body would become most unpopular the moment they began to tax the citizens.

LORD HENRY LENNOX said, he thought that equestrians enjoyed great pri-

vileges at present, and he was opposed to any further encroachment on the rights of the million. The throwing open of Storey's Gate would deprive a large number of poor children of their daily play-ground, and under these circumstances he hoped the right hon. First Commissioner would not yield to the requests made to him in favour of the project. As to Richmond Park, he should like to have some information. A few days previous his carriage was stopped after he had entered one of the gates of that park, because he was not going to visit the noble Lord the Secretary for Foreign Affairs.

LORD FERMOY said, he could not vote for the Amendment, because the Parks were the resort of the labouring classes of the Metropolis, and as such must be maintained; and until some more just or better means for doing that was pointed out, the House should be satisfied to take the Vote for that purpose in the Supplies of the year. With regard to Storey's Gate, he joined with the right hon. Gentleman and the noble Lord opposite in beseeching the First Commissioner of Works not to open Storey's Gate for the use of horsemen. He was one of those who felt that too much consideration had already been shown for those who were fortunate enough to have a horse to ride upon in London. He asked his right hon. Friend (Mr. Cowper) not to allow himself to be carried away too much by the Vote passed in Committee the day before on the subject of the ride through Kensington Gardens. The right hon. Gentleman had talked about agitation amongst the Metropolitan vestries on the question; but if there were any agitation on the subject, the right hon. Gentleman himself had originated it, because he was breaking through the old-established custom of people not rich enough to ride being allowed to recreate themselves on foot in Kensington Gardens. His right hon. Friend was playing a game at which two could play. He had seen the servants of the Board of Works, better known as the "Green Men," canvassing for names to be appended to a memorial in favour of his scheme, and notices were put on the trees of the gardens that the memorial lay for signature at the lodge. He warned the right hon. Gentleman that if he compelled those who opposed his scheme to have resort to agitation, they might appeal to popular sympathies throughout the Metropolis in such a way as would produce one of those great demonstrations in the Park

which would make him regret that he had moved in this subject. The right hon. Gentleman sneered at the vestries; but he forgot that those vestries were the emanations of popular suffrage, and were, therefore, entitled to respect. When a general election occurred, there were none so ready as the leaders of the great Whig party to take off their hats and humbly acknowledge the value and importance of these parochial bodies. The vestries had a strong feeling that the health and comfort of the people belonging to their respective parishes were involved in this question, and they therefore protested against the right hon. Gentleman's scheme. The right hon. Gentleman said the riders were a portion of the public, and had a right to the indulgence he provided for them; but he (Lord Fermoy) denied that they had a right to break in upon the privileges enjoyed from time immemorial by the people on foot. If these riders wanted to see the beauties of Kensington Gardens, let them get off their horses and walk. He hoped the right hon. Gentleman would adhere to his original statement, and regard this as merely a temporary ride. Let him consider the matter seriously during the recess. He presumed the ride would be shut up during the winter, for then it would be little better than a bog, and he hoped that by next Session the right hon. Gentleman would have come to the conclusion altogether to abandon the scheme.

MR. ALDERMAN COPELAND said, he must join with hon. Members who had preceded him in asking for further information on the subject of the expenditure on Richmond Park. He objected to the item of £150 for improving the breed of the deer in the park. Surely with so many herds of deer in other Royal parks and forests, an outlay for improving the breed of those in Richmond Park could not be necessary.

MR. W. WILLIAMS said, he believed one of the items proposed in the reduction was for Battersea Park. The expenditure on that park arose from its not being yet finished. He had been frequently taunted with regard to Battersea Park, and it had been hinted that it belonged to his borough. Now Battersea Park had nothing whatever to do with the borough he represented. Again, the alterations made in the Regent's Park had placed it in an admirable condition in respect of drainage, seats, and every other desirable matter, and he could not understand now how £7,600 would be required for the further improvement of that park.

Lord Fermoy

He hoped some explanation of that item would be given.

LORD JOHN MANNERS said, there was much want of a building in Regent's Park in which on Sundays, and at other times, the public might be able to take innocent refreshments. He was not surprised that the subject of the new ride had again been brought up that day; but he did not mean to continue the discussion. There was only one statement of the right hon. Gentleman the First Commissioner to which he would call the attention of the House. He argued that Kensington Gardens were opened to equestrians as a part of the public; but if every part of the public were to be admitted, then it followed that people with carriages and cabs should be admitted among others. Reference had been made to the works for purifying the Serpentine. A sum of £1,700 had been voted for that purpose last year; but a Committee of the House had decided against the system of filtration for which that sum was last year voted. Then what was the use of the works now going on at such a great expense? He had to complain of the changes that had taken place in the appearance of the Serpentine in consequence of the works that had been carried out, and hoped that it would be found possible to restore things to their old condition, and yet have the Serpentine supplied with pure water.

MR. COWPER said, he regretted that it should have been supposed that he had said anything of disrespectful intention towards the vestries. He was speaking at the time with his eyes fixed on the minute hand of the clock, and therefore hurriedly. What he intended to say yesterday was, that though the vestries of St. George and St. Marylebone were entitled to respect when they were deciding about rates and the management of their streets, but they might be disregarded when they assumed jurisdiction over the Royal Parks. Local representation was an excellent thing, and much to be admired when it kept within its proper sphere; but it was likely to fall in public estimation when local representative bodies assumed an authority that did not belong to them. He admitted that the subject of the ride was one on which there might very reasonably be a difference of opinion; but he complained that it had been represented as a question of antagonism between classes. It was not a question between the rider and the walker, for many who walked

often rode, while those who rode often walked in the Gardens. When he spoke of admitting all the public to the Gardens, of course he meant riders in addition to pedestrians, and could not have contemplated carriages. Then, when he spoke of securing publicity as distinguished from privacy, he did not mean the riders only, but the walkers also, who obtained amusement from looking at the riders. The objections to the scheme seemed all to come to this:—that, whereas formerly this avenue was very quiet and unfrequented, it was now crowded with horses and pedestrians, and that which used to be a scene of quiet and seclusion was now one of noise and bustle and animation. Now, he contended that it was most unfair that any portion of the public should be shut out from this place of recreation, because there were a few people who wished to go and muse there in solitude. The noble Lord the Member for Marylebone complained that this was an innovation, but it was not a rare innovation. Most of his predecessors had made important innovations for the purpose of improving the means of recreation enjoyed by the people, and some of those had been opposed with as much pertinacity as the present measure; such, for example, as the opening of Regent's Park to the public in 1841 and of its lake during the present year.

With regard to the Serpentine, he had to state that, a Committee of that House having reported against the scheme of filtration, he had in the contract superseded the filtering scheme, and substituted for it a well, for which, by means of an engine, would be pumped up a sufficiency of water daily to supply the Serpentine with pure water, and cure it of the evils so long complained of. By this process 2,000,000 of gallons would be circulated daily from one end of the Serpentine to the other. The drainage of Richmond Park, for which a Vote of £1,800 was asked, was resolved on under the advice of Mr. J. Parkes, who in 1857 examined the herbage, and reported that it was very much impoverished, and required to be improved by drainage. The expense would be at an average rate of £6 10s. an acre, and Mr. Parkes calculated that two-thirds of the park would require draining. In reply to the hon. and gallant Member (Colonel Dunne), he might state that the Parks had been under special arrangement ever since the agreement made with the Crown, and that this could not now be departed from. Votes were

also given for the Phoenix Park and for parks in Scotland. The expense incurred at Battersea was for a supply of water from a well, and he thought it was an expense which the House would not object to, as it would ultimately produce economy. He could not consent to the proposal for opening up the parade at St. James's Park to equestrians, as he thought that was the last place through which horses should be allowed to pass.

MR. SPOONER said, he should support his hon. and gallant Friend in his Motion, because he believed the money of the public should not be voted for the improvement or decoration of any locality whatever. Let the inhabitants of each locality tax themselves for such a purpose.

MR. LONGFIELD said, he should support the Motion of his hon. and gallant Friend. He could not but think it most unfair that £95,000 should be proposed to be voted for improvement of Parks in the Metropolis, while only £4,500 was to be voted for Ireland. That was like the proposal for devoting £11,000,000 to the defences of the country, of which about £100,000 was to be expended in Ireland, while Ireland would have to contribute about £2,000,000 of the sum that was to be raised.

MR. JOSEPH LOCKE said, he could not see the necessity for having a well at Battersea Park, and an engine to pump up the water, when water could be so easily obtained from the Thames.

MR. COWPER explained, that by sinking a well at Battersea Park an annual expense of £300 would be saved for watering the gardens, for water for the lodges, &c. As to the deer in Richmond Park, he had acted under the advice of the keeper, and he believed the measures taken would be found extremely useful. With respect to the Regent's Park, £1,000—part of the estimate—was for re-instating the fence on the north of the Park, which was getting out of repair.

LORD JOHN MANNERS observed, that when the Parks were established, the Metropolis had no special voice in the matter. The Legislature made them, and consequently the public had to pay for them. Now, however, the improvement of the Metropolis had been taken out of the hands of Government and that House, and been confided to the Metropolitan Board of Works. That he considered a wholesome system, seeing that the Board of Works was a popularly elected body.

MR. JOHN LOCKE said, he did not agree with the noble Lord in his estimate of the benefit to be derived from the Metropolitan Board of Works. That Board had lately pulled down several houses in High Street, Southwark, in order to make a new street, but he was quite sure that the new line of railway from London Bridge to Hungerford, and the railway bridge across the Thames, would be completed before the Board of Works would turn round to determine how the new street was to be made. He wished to take that opportunity of calling attention to the great inconvenience of maintaining the toll over Chelsea Bridge, or, indeed, of any bridge whatever. The state of the approaches of Vauxhall Bridge, for which a toll was also charged, was an example of the injury caused by such a toll. The railway bridge near Chelsea Bridge would soon be completed, and that would make it less necessary than ever for persons to cross Chelsea Bridge. The consequence of the toll was, that building land, which otherwise would be occupied, was left totally bare of houses, and would continue so as long as the toll was maintained. He thought, then, that was a good opportunity for the removal of the toll.

COLONEL DUNNE said, he certainly would support the hon. and learned Member for the Tower Hamlets, if he were to bring forward next Session the Motion he proposed for a Committee.

Motion made, and Question put,

"That a sum, not exceeding £82,440, be granted to Her Majesty, to defray the Expense of Maintaining and Keeping in Repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith, to the 31st day of March, 1861."

The Committee *divided*:—Ayes 15; Noes 66: Majority 51.

Original Question again proposed.

MR. AUGUSTUS SMITH objected to the expenditure of £2,300 for lakes and a steam-engine in Battersea Park, and also to that of £300 for a propagating house in the same park. It was a mistake to have anything beyond shrubberies in the public Parks. He begged to move the reduction of the Vote of £9,629 for Battersea Park by the sum of £2,600, the total of the two items to which he objected.

Motion made, and Question proposed,

"That the item of £9,629 0s. 7d. for Battersea Park, be reduced by the amount of £2,600."

SIR JAMES GRAHAM said, it might
Lord John Manners

enliven the conversation if his right hon. Friend would explain what was meant by a "propagating apparatus."

MR. COWPER said, that a propagating apparatus was intended for the raising of plants and flowers, and he thought if there were no flowers in the garden next year great complaint would be made.

MR. JOSEPH LOCKE felt it his duty to endeavour to arrest the proposed expenditure on Battersea Park. He was not disposed to go into the flower question; but he objected to the expenditure for the well and the steam-engine. Again, he would ask the right hon. Gentleman to state what the expense of the well would be.

MR. BAZLEY said, he hoped the Committee would reject that Vote for the steam-engine. It would be a great nuisance. Here, in fact, was both the bane, in the shape of the steam-engine, and the antidote, in the form of flowers.

SIR JOHN SHELLEY supported the same view. It seemed as though enormous expense was being incurred to bring to the garden what was to be had close by—namely, water in the river Thames.

Motion, by leave, *withdrawn*.

MR. AUGUSTUS SMITH amended his Amendment by moving for the reduction of the Vote by a sum of £2,300 instead of £2,600.

MR. JOHN LOCKE said, he should vote against the proposition of the hon. Member for Truro (Mr. A. Smith) for reduction of the Vote by this trifling sum. He thought the experiment should be tried.

MR. COWPER said, that it would cost just as much money to get water from the river as from a well; and he thought that if Thames water were used in the gardens, Battersea Park was likely to be a very disagreeable place.

Motion made, and Question put,

"That the said item of £9,629 0s. 7d. be reduced by the amount of £2,300."

The Committee *divided*:—Ayes 31; Noes 55: Majority 34.

Original Question again proposed.

SIR JOHN SHELLEY said, with reference to the drainage of Richmond Park, that a far greater expense was being incurred than was necessary. The right hon. Gentleman had said that the drainage was to be at the rate of £6 10s. an acre, and that it was to be under the management of Mr. Josiah Parkes. He did not wish to put the screw on with too much

severity; but this rate of drainage was manifestly too high, and he should, therefore, move that the sum of £1,800 should be reduced by £400.

SIR GEORGE LEWIS said, it might not be absolutely necessary to expend the whole amount voted, and if they would allow the item to pass, his right hon. Friend would inquire into the matter, and see that such sum only as was necessary should be expended.

Motion made, and Question,

"That the item of £1,800, for Draining Land in Richmond Park, be reduced by the amount of £400,"

Put, and *negatived*.

Original Question put, and *agreed to*.

(2) £5,000. Probate Court and Registries.

SIR JOHN SHELLEY called attention to the necessity that existed for providing better accommodation for the persons connected with the Probate Court. If ever there was a case of cruelty to animals, it was exhibited in the treatment of those gentlemen who were cooped up in most uncomfortable and crowded rooms to transact the business of the court.

MR. COWPER said, additional room would soon be provided for the persons connected with the Probate Court, till accommodation could be found for them under the great plan which was one day to embrace all the law courts. But with that question the present vote had nothing to do. It was merely to defray the expenses of local Courts of Probate and registries in the country.

Vote *agreed to*.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £3,635, be granted to Her Majesty, to defray the Expence of Maintenance and Repairs of Embassy Houses, &c., Abroad, to the 31st day of March, 1861."

MR. CHILDERS asked whether the sum voted in 1858 for this purpose was yet wholly expended?

MR. AYRTON asked why two embassy houses at Constantinople were still kept up?

MR. W. WILLIAMS moved to reduce the Vote by £650, the amount asked for the repairs of the Ambassador's house at Therapia. The house was originally taken on account of a fire which took place some time ago, and burnt down the Ambassador's former residence. But that residence had been rebuilt, and there could be no occasion for keeping on the residence at Therapia.

Motion made, and Question proposed,

"That the item of £650, for Casual and Ordinary Repairs and Painting, Repairs of Furniture, Fittings, and Contingencies of the British Embassy House at Therapia, be omitted from the proposed Vote."

SIR JAMES GRAHAM said, he wished to refer to a subject of great importance that called for explanation—he meant the subject of unexpended balances. The right hon. Baronet the Secretary for the Home Department had told them on a former occasion that the matter was so complicated that with all his experience he could not fully understand it. It was not wonderful, therefore, that he (Sir James Graham) was at a loss to know how the practice stood with regard to these unexpended balances. He found that with regard to harbours of refuge, parks, Ambassadors' palaces, and other Votes there were large unexpended balances that might be applied without the knowledge or consent of Parliament. The Government had promised to endeavour, during the recess, to apply a remedy to this evil, in conformity with the advice of a most competent Committee; but, pending that decision of the Government, he wished to know with reference to the current year what was the opinion of the Treasury with regard to the appropriation of these unexpended balances.

MR. LAING said the system with regard to these balances was this:—A certain sum was estimated as required for a certain service; supposing the whole sum was not expended within the year, a balance of course, remained on hand. An account was established at the bankers, and the subsequent Vote taken was used to feed, as it were, the balance, and keep it up for purposes of expenditure. It would be seen, however, that no expenditure could take place without being sanctioned by Parliament. The balance that stood over could only be expended as a Vote sanctioned by the House. If the balances were found to accumulate to an excessive amount at the end of three years they were then paid into the Exchequer.

SIR JAMES GRAHAM said that in the great departments of the army and navy the balances at the end of the year must be paid over into the Exchequer, but the Committee would see how different the practice was with regard to the civil service, for three years' balances might accumulate; and even at the expiration of three years it was at the option of the Treasury whether payment over to the Exchequer

should take place. On the Vote now before them the Committee might suppose that they were only voting £650 for repairs and works at the Ambassador's palace at Therapia; but if there were—as he had no doubt there was—a balance on the Vote generally, and it turned out that the expense of the palace of Therapia should be a great deal more than £650—say £2,000, instead of £650—then £1,400 of additional expenditure might take place, and the House have no knowledge of it until the annual accounts were in the hands of hon. Members, which would not be till the year 1861. He could not exaggerate the importance which he attached to the subject of balances.

And it being ten minutes before Four of the clock, the Chairman left the Chair to report Progress."

House resumed.

Resolutions to be reported on *Monday* next; Committee also report Progress; to sit again *this day*, at Six of the clock, after the Order of the Day for the Committee on the Ecclesiastical Courts and Registries (Ireland) Bill.

LOSS OF PROPERTY AT GREYTOWN.

QUESTION.

SIR GEORGE BOWYER said, he rose to ask the Secretary of State for Foreign Affairs what steps had been taken, or were intended to be taken, by Government to induce the Government of the United States to compensate Mr. Geddes, Her Majesty's Consul, for the loss of property at Greytown?

LORD JOHN RUSSELL stated in reply, that it was the opinion of the Government, formed on legal advice, that in the case of regular hostilities by a Foreign Power, no compensation could be demanded for any loss of property which might be occasioned thereby. It was impossible, therefore, to make any official application to the Government of the United States in favour of Mr. Geddes.

THE NATIONAL GALLERY.—QUESTION.

MR. CONINGHAM said, he would beg to ask the First Lord of the Treasury, Whether Sir Charles Eastlake, the President of the Royal Academy, has been this year re-appointed to the Directorship of the National Gallery?

VISCOUNT PALMERSTON said, the appointment in question expired on the 5th of the present month. Some weeks

ago the trustees of the National Gallery informed him that the office would soon be vacant and recommended the re-appointment of Sir Charles Eastlake. It seemed to him, from his knowledge of Sir Charles Eastlake, that there could not be a fitter man for the post, and, as he did not think it expedient that the office should be vacant, he took the Queen's pleasure that Sir Charles should be re-appointed for the same period as before. The re-appointment of Sir Charles Eastlake, however, would not preclude the action of Parliament upon any portion of the National Gallery.

Afterwards,

LORD HENRY LENNOX said, he wished to ask the First Commissioner of Works, Whether, considering the lateness of the Session and the length of time which must elapse before the Vote for the proposed alterations in the National Gallery will come before the House, he will agree to take no further steps on the question during the recess of Parliament? The Vote in question was in No. 7 of the Civil Service Estimates. The House had not yet got further than No. 1, and, judging from the present rate of progress, when the House got to No. 7 there would be no one left in it but those on the Treasury Bench. He trusted that good faith would be kept with the public, and that the Report of the Select Committee would be carried out.

MR. COWPER said, he was sorry the noble Lord had been put to the inconvenience of waiting in the House until the Estimates came on; but it was an inconvenience which every hon. Member was subject to. He did not think he would be justified in putting off a matter of urgency, because parties who wished to take part in it could not conveniently attend. There was not sufficient accommodation in the National Gallery at present, and if fresh pictures came in there would be no place for them. He was sorry he could not accede to the proposition that had been made.

MR. H. BAILLIE said, it might be urgent to obtain more space for the National Gallery, but it did not follow that the Royal Academy should be also retained in that building, since additional space would be obtained by their removal.

MR. CONINGHAM said, that after the assurance given last year by the right hon. Gentleman the Chancellor of the Exchequer that the tenure of office of the Director of the National Gallery would not be renewed until the House had had an

Sir James Graham

opportunity of reconsidering the question, he was greatly surprised to hear that the President of the Royal Academy had been reappointed to that office. Circumstances had occurred since last year which strengthened the objections then urged against that appointment. A collection of paintings which a gentleman in Paris had purchased at various auction rooms for about £5,000 had recently been sold to the National Gallery for between £9,000 and £10,000. The officials of the Gallery had a most objectionable practice of purchasing a mass of worthless pictures for the sake of two or three good ones, and then of selling off the rubbish at Christie's. It was obvious that such a system afforded wide scope for jobbery of the worst description. One of the gems of the recently acquired collection, which was entitled the "Portrait of Ariosto," painted by Titian, had formerly been known as a portrait of Torquato Tasso, by Giorgione, and was altogether worthless. Certain pictures attributed to Giulio Romano in the same collection were, he asserted, not by that master, and did not even belong to his school. In the face of such proceedings he thought he had good ground for complaining of the renewal of the Director's tenure of office before the House had had an opportunity of expressing an opinion on the subject. He regretted, also, the statement which had been made that evening as to the removal of the National Gallery. He need hardly remind the House that the Committee had reported in favour of Trafalgar Square as the site of the National Gallery; and that without a shilling of expense the simple removal of the Royal Academy would afford ample room for all the pictures in the collection which were worthy of exhibition. He had no hesitation in saying that one-half of those pictures ought to be expelled from the Gallery, as calculated to do injury rather than good to the public taste. He believed there was a deliberate intention of forming, under the Privy Council, a vast department which should exercise a despotic influence in all questions of science and art. An attempt had already been made to tamper with the scientific and art collections of the Metropolis. Under the pretence of economy there had been an endeavour to break up the magnificent collections in the British Museum, and Cabinet Ministers, Gentlemen who were not in the habit of attending the meetings of the trustees, had been induced to vote for the removal of a considerable portion

of those collections to Kensington, an operation which would entail an expenditure of something like half a million of money. He trusted that the House would take this matter seriously in hand, and insist upon the postponement of the question relative to the National Gallery until next Session. The intrigues of the superintendents of the galleries at Kensington, who were at the bottom of all these extraordinary movements in our scientific and artistic collections, would be paralyzed if the House did its duty on the present occasion.

On Motion that the House at its rising do adjourn till Monday,

MR. BRIGHT AND THE PAPER DUTIES.

OBSERVATIONS.

MR. BRIGHT: Sir, I gave notice last night that I should take an opportunity, before the House separated, and on this evening, to call the attention of the House to the position in which we stand with regard to a matter which has excited great interest during the Session—to the question of the Excise duties on paper, and the effect which the course taken upon that measure has had upon the position and privileges of the House. I cannot say that I have any very definite question to put to the right hon. Gentleman the Chancellor of the Exchequer. What I want rather is to make two or three suggestions to the Government and to the House. I have abstained, since the discussion on the Resolutions proposed by the noble Lord at the head of the Government, from taking any part in this matter, because I did not think it wise for an independent Member to submit to the House a Resolution, or to ask the House to come to any decision or division upon a Resolution, as I was sensible that unless the Government took part in such a division, and in favour of such Resolution, in all probability the division—if the House were to divide—might place the House in a worse position, with regard to this question, than it occupied after having accepted unanimously the three Resolutions which were proposed by the noble Lord. I do not know whether the noble Lord the Member for Marylebone (Lord Fermoy) is in the House, but if he had been here I should have suggested to him that he should not persevere in the proposition he has given notice of, or ask the House to divide upon it, unless, at any rate, he had

the consent and support of the Government, which would enable that Resolution to be carried. I am myself so conscious of the delicacy of the position in which we are placed that I would much rather stay where we are, awkward as is the position, than do anything to make it worse, and therefore I have come forward with a view of making two or three suggestions, which, I think, if the Government and the House were willing, might still be adopted with a view to save us from the painful and perilous predicament in which we have been placed during the Session.

Now, I think it is worth while for a moment to advert to the two parties who may be said to be damaged by the present state of things. Those persons throughout the country who are engaged in a most important trade—the manufacture of paper—have themselves suffered grievously from the transactions of this Session, and I think the House of Commons itself has suffered not less. When the Session commenced—when the Chancellor of the Exchequer introduced his Budget—his proposition was this, that the Excise duties upon paper should be entirely abolished, and the import duties on paper also abolished. Papermakers, therefore, would by that proposition have got rid of the grievance of the excise, and would have been of course deprived, for the future, of whatever advantage they had in the protection they enjoyed in an import duty over and above the amount of Excise duty. Well, what have we done? The conjoint action—it was not exactly a conjoint action of Parliament—is this, that the papermakers are left with the grievance of the excise; but they have been deprived of whatever advantage they enjoyed from what they considered to be a compensating protection. Now, I am of opinion that an excise—that the grievance of an excise—cannot well be measured in so many farthings per lb. in respect to paper, or anything else. I think it one of those tyrannies which never ought to have been established, and never should be tolerated in a free country. Men in the pursuit of their daily and honest industry should not be tracked about, interfered with, overlooked—and, I will say, damaged in a very large degree—by officers of Government, who have no natural right whatever to be upon their premises or take any part whatever in their transactions. But these paper manufacturers are in this unfortunate position at this moment. I have heard

Mr. Bright

some people say, “Serve them right, for they have not shown themselves very wise during this Session.” I admit they have not been very wise, but I am afraid men are very seldom wise in their own affairs, and also not willing generally to take good advice. The papermakers committed this unfortunate mistake. To maintain their protection they went into partnership with *The Times* newspaper. *The Times* was afraid of the cheap papers, and the papermakers were afraid of free trade in paper, so they clubbed their interests together. There has been nothing for many years which has been so obnoxious and so worrying—I will undertake to say—for Members of Parliament as this partnership action of *The Times* newspaper and the paper manufacturers. No Member could get into the House or out of the House without having them upon him, and I am told that hon. Members on this side of the House—there may have been some on the other side—have been canvassed by persons connected with the staff of *The Times* newspaper, even from the hon. Member for Berkshire (Mr. Walter) down through all the ranks of its editors, and I do not know that there is anybody connected with the paper that has not been canvassing with regard to this matter. We have had, at the same time, as the House knows, in the columns of that journal, the most violent and malignant attacks on the Chancellor of the Exchequer, as if the right hon. Gentleman were about to do something contrary to the public interest in abolishing the paper excise, and in allowing foreign paper to be introduced. That, I have no doubt, is the secret of the abundant malice with which the right hon. Gentleman has been attacked during the whole of this Session by the writers in the columns of *The Times*. But passing all this by—and I am willing to forgive and forget it all—there remains this fact; that this large industry—these 300 or 400 firms in the United Kingdom—are at this moment suffering, or will be after the 15th of this month, from an excise which is kept on solely by the authority of the House of Lords, under circumstances most grievous, because it is admitted on all hands that the excise cannot, and will not, be fairly levied. There are exemptions which act with great injustice to persons who are not exempt, and there are certain articles which the courts in one case have decided to be paper, and in another case have de-

cided not to be paper; and it is extremely difficult for the Inland Revenue officers to know whether certain articles ought to be charged with excise or not. Well, that being so, I say that these paper manufacturers have a real and solid complaint to make to Parliament on account of the position in which they are placed. The Inland Revenue Department has condemned this tax; the House of Commons has passed a Resolution—and I call the attention of the noble Lord at the head of the Government especially to this—the House of Commons passed a Resolution two years ago that this Excise duty on paper was not a fit matter from which to raise a permanent revenue. Therefore, it has been condemned in a most emphatic manner, even before this Session commenced. This Session has seen it not only condemned by the House of Commons, but a Bill has passed through all its stages in this House abolishing the excise, and on the 15th of August—some day next week—that excise was to have terminated, and so it would have terminated but for that which has not happened before in this country for 500 years past. But for the interference of a branch of the Legislature which has never heretofore, within historic period, done such an act as this—but for that interference, unexpected by the Chancellor of the Exchequer, and hardly to be credited throughout the country, this excise would have been abolished. Now, however, instead of that, from these papermakers, after next week, will be collected about £30,000 per week, or £1,500,000 per annum in the shape of a tax for the public Exchequer—a tax which this House has not only not sanctioned, but which it has condemned emphatically, and has passed a Bill to repeal, and they will be paying it solely by the authority of a vote of the other House of Parliament. I say, then, that we ought, as the House of Commons, to take into consideration the grievous nature of the injustice which is inflicted upon this important industry, and it is partly on this account that I have risen for the purpose of asking the House if it is not worth while to consider whether a course might not be taken even now, before the Session of Parliament ends, to put an end to what I think is a monstrous injury to a most important class of manufacturers in this country.

But then comes the other and I admit a much greater evil—one in which we ought to take more interest—and that is the

damage which this House has suffered by the course which this affair has taken. Now, let me appeal to hon. Gentlemen on the other side of the House, because they, from their silence, are supposed to have approved what has been done—I appeal to them as Members of this House, and as representatives, at least, of some portions of the English people—do they not feel that the House of Commons, now, within a fortnight, it may be, of the end of the Session, is in a very different position with regard to its rights and its power over the taxation of the country, from that which it occupied when the Session opened? I think it is impossible, whatever any man may say, as to the paper excise, as to the Government, or the Chancellor of the Exchequer, or the House of Lords—I think it impossible for any man to conceal from himself the fact that the House of Commons at this moment is shorn of a portion of its power, and that it has permitted itself to be hustled out of—if I may use the expression—and deprived of an authority which for 500 years past our predecessors in this House have exercised without contradiction and without control. Now, your Chancellor of the Exchequer—and hon. Gentlemen opposite have shown sometimes not a very favourable feeling towards the Chancellor of the Exchequer this Session—but your Chancellor of the Exchequer, be he the right hon. Gentleman or anybody else, is an officer now, at this moment, in a position inferior to that which he occupied at the commencement of the Session. Both the House and the Chancellor of the Exchequer have been subjected to a new authority, and an authority, I will undertake to say, which, if it be permitted to work, and be not manfully resisted, is one which will bring not only this House, but itself—before any very long period—into great difficulty, and it may be, into serious disasters. I will ask hon. Gentlemen, whether they believe that a majority of the House of Lords is likely to work well in financial questions with the majority of the House of Commons? There has been no Liberal majority in the House of Lords since the Reform Bill, or long before. There is no probability of there being such a Liberal majority. There is every probability that the majority of this House, whatever it call itself, will not be of the same political complexion as the majority of the other House of Parliament. Therefore you are establishing, in this respect, a permanent, a chronic dissension between

the two Houses, which may lead to difficulties that every man in the House, I think, would wish to be avoided.

If any hon. Gentleman here thinks I am at this period calling the attention of the House to a subject which is not worthy of attention, or which is absolutely settled, I would refer them to the language of Ministers of the Crown in the last discussion, if I am not out of order in so doing. I am, indeed, afraid it is not sufficiently in order, and, therefore, I will not refer to the discussion, but will simply refer to expressions which Ministers of the Crown have used on this subject. The noble Lord at the head of the Government told us that if he thought that course, that is, the course pursued by the House of Lords, was the beginning of a new practice on these questions, he would advise the House to resist it by every constitutional and legal means in its power. But if the noble Lord were to turn back to a man to whose authority he will probably pay some respect—I mean Lord Chatham—he would see that Lord Chatham declared if you admit a principle like this, you may rely upon it that that principle will be constantly put in practice so soon as it can be supported by power. That is precisely the dread which now I have before me, that if this be permitted, so hungry is the appetite for power in all bodies of men, we shall before long have this pleaded as a precedent, and that we shall have the principle supported by power, and that unfortunate state of things which Lord Chatham hoped might never arise will arise under the Government of the noble Lord and by the permission of the Parliament in which we are now sitting. Well, the noble Lord, the Member for the City of London, who is a great authority on questions of this nature, told us that he believed no question so grave had happened in his life time; and he said on one occasion, he considered it equal to a total change in our system of government. It must be a matter of some importance that would draw from the noble Lord—from one so cautious and so experienced—words so grave as those. The Chancellor of the Exchequer evidently held the same opinion, for he said this was a gigantic and dangerous innovation.

MR. SPEAKER: I must remind the hon. Gentleman that it is out of order to quote words used in a previous debate during the present Session.

MR. BRIGHT: I thank you, Sir, for the intimation; I have no other reference

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to make to those speeches; and I thought I was not trespassing upon the rules of the House in bringing the evidence of Her Majesty's Ministers to bear in favour of a conclusion at which I wish the Ministers and the House to arrive. The question is what, under the circumstances, have we done? We have passed three Resolutions, very harmless, it may be; but they were introduced in a speech which was far from harmless. If in the search which we made in that Precedents Committee, we had found, within the last fifty years, three cases like this, I will undertake to say that the Committee would have been forced to admit that there were precedents of a very overwhelming description regarding the power of the Lords to deal with questions of this nature. Well, fifty or twenty years hence, if this matter remain as it now stands, there may be another Committee, there may be partisans of the policy of the Lords upon that Committee; they will light upon the Resolutions which the noble Lord has proposed and the House agreed to; but they will say, what matter these Resolutions? The Resolutions of this House or the other do not make a precedent—but the thing done, the final conclusion—where the matter rests—that is the precedent as to the action of the two Houses; and, therefore, they will look upon this as a precedent a hundred times more fatal to the powers of the House of Commons than any of those that were produced by the diligent researches of the officers of this House, and which have been laid upon the table. Now, I may be asked what would I have done in this matter. There are several things which might have been done. If the noble Lord had been a man of the spirit of Chatham, or of the spirit of Canning, in a matter of this nature, he would have come down the day after the rejection of the Paper Duty Abolition Bill, and he would have asked the House—not because the Excise duty on paper was a great question, but because the rights of the House were something of still greater value—immediately to have suspended its Standing Orders, in order to permit him to pass a new Bill, re-affirming that which had been declared in the Bill just rejected. But the noble Lord was afraid to do this. I am told that there were great doubts whether it could be done. It was said that more money was wanted for the China war, and that you could not ask the House to do this. But after all the money was a mere bagatelle in the

£70,000,000 you are voting and spending. The Chancellor of the Exchequer, I think, says it is only £700,000 up to the commencement of the next financial year, and, therefore, it is perfectly idle to say that it was worth while for the sake of that sum to put in jeopardy the rights of the House of Commons, and to resign that authority over the taxation of the country into the hands of the other House, which this House has exercised, without question, for a period of not less than five hundred years.

But there was another course, and it is still open, which the noble Lord might take, and for which he could find a most conclusive precedent if he were anxious for it. In the year 1734 there was a case in which the Government of the time wished to save the country gentlemen from the pressure of a heavier land tax, and they agreed to take not less than £1,200,000 for the service of the year out of the Sinking Fund, and apply it to purposes for which, of course, it was not originally intended. When they brought that Bill into the House it consisted only of two clauses. They moved, on going into Committee, that the Committee should be instructed to receive clauses of appropriation; and they bound up the appropriation clause of the year with those two clauses. They took £1,200,000 from the Sinking Fund and appropriated it to the service of the year, and the two matters together in one Bill went up to the House of Lords, and were passed by that House. Well, there is an appropriation Bill to be yet passed by the House of Commons this Session; and I say the House of Commons itself, if it possesses, as Mr. Canning said in 1827, a spark of spirit left in it to maintain its own privileges and rights, will avail itself of that, or of some other equally proper mode, for the purpose of restoring itself, at the end of the Session, to the independent position which it occupied when we met. But there is another mode which I would recommend to the noble Lord. He will see that I am merely offering suggestions for his consideration and for that of his Colleagues in the Cabinet. There is a mode, nearly resembling that which Mr. Canning adopted in 1827. On that occasion the House of Lords rejected, by a substantial alteration, a Bill which modified the duties leviable upon foreign corn. Immediately afterwards—I think the very next day—Mr. Canning came down to this House, and in language of a severity ex-

ceeding anything that has been used with regard to the Peers during the discussion of this question, asked the House of Commons to take a course to maintain their rights. But he said, as Minister, he felt that it was his duty, if possible, to prevent any collision between the two Houses; and, therefore, he asked the House not to pass exactly the measure which had just been rejected, but to pass another Bill, including its provisions, but limited to a duration of nine months. And I think he expressed a hope that Heaven in the meantime might grant intelligence and good sense to the legislators in “another place”—so that at the end of nine months they might agree without discussion to that which the Commons had determined on. Now that was in point of fact very much like a Bill of suspension. I would suggest to the noble Lord and his Colleagues, that they might, if they thought proper, introduce into this House a Bill—and I am sure the House would sanction it—for the suspension of the collection of the Excise duties on paper until the month of March or April next, which would allow time when Parliament met again for the reintroduction and passing of a Bill abolishing the Excise duty upon paper for ever; and I think such a course as that would be judicious in every way. There is one other course which might be pursued, and that is the one which was recommended by the hon. Member for Finsbury, at the beginning of these transactions. My hon. Friend proposed a Resolution, and though it was not in a form which could be accepted, its intention, the House will remember, was, that steps should be taken—I presume by an address to the Crown—that Parliament should not be prorogued as usual, but adjourned till November, to allow the postponed Bill to be reconsidered by the House of Lords, and by taking up this Bill and passing it, as I believe they would do, to restore harmony between the two Houses. Now both of these two courses—that of suspension, and especially that of adjournment—would be propositions of conciliation as between the two Houses, and not propositions which might be said to bear this character that the House of Commons was endeavouring to override the House of Lords. One of these courses, I think, the Government ought to take, and I believe the House would support them. The Government had just the same fears the other night about that question of seven-eighths of a penny in the pound of Customs’ duty

on paper. How many weeks did they hesitate in their course respecting his question? Nobody knew why they hesitated, unless it was because they doubted whether they could carry their proposals, and did not like to run the risk of defeat. Why, in one night's debate, the argument being triumphantly in their favour, the good sense of the House of Commons gave them a majority which is three times the majority that the noble Lord believed he possessed when first he met Parliament. Sir, I think that if an equally direct course had been pursued with regard to the paper duty abolition, the House of Commons, disregarding the question of £600,000 or £700,000 of revenue, would have risen to the height of the occasion, and would have supported him in maintaining their privileges as representatives of the people. Now, I want to put this question to the House—Are they willing to sustain their rights, or are they willing that the year should be marked by a concession of this dangerous, and even of this ignominious character? The Government is the depository of the rights of the House; and whatever the Government determines upon a question of this nature the House is generally disposed to follow. If hon. Members have read any foreign newspapers, whether American, French, or Belgian—the newspapers of any country where there is freedom of discussion on subjects of any kind—they will find but one opinion expressed with regard to this question—an opinion that the House of Commons have made a great mistake during this Session; that we have had a fall; that we have not risen from it; and that rights which belong to the representative assembly of a free nation have been needlessly surrendered to a power against which the House of Commons, whenever they choose to meet it, can always fairly assert their rights. As the matter stands, we have not been faithful to those who have sent us here. I believe—I never believed anything with a firmer conviction—that if the noble Lord had dissolved Parliament upon the question of privilege as connected with the Excise duty question, he would have met with a response from all the constituencies of the country, and would have gained a majority such as there has not been in Parliament for many years, to carry out his policy, and to sustain the rights and interests of the House of Commons.

I have said I should recommend, as I have recommended my noble Friend (Lord

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Fermoy), not to ask the House to come to a decision upon any question of this nature. I prefer to remain where we are unless we can take steps in advance, and I am so tender of the rights of the House of Commons that I know of no greater calamity that can happen to the country than that we should impair the confidence which the people should have in us, and that we should lessen our power over the great and constantly increasingly great questions which affect the finances and the taxation of the country. Now, there is such a thing as treason. It is a crime which is probably known to the law of every country. We have it in our law. It is committed generally against a Monarchy or against a State. It may have in it much that is evil, and it may have in it much that is good. Treason of that kind is a crime that may load a man with shame for ever, or it may cover him with lasting renown. But there is another kind of treason, which is treason against a people, which may be committed by a Minister of the Crown, by a consenting Cabinet, and by a compliant Legislative body; but that is a treason which is all evil, which has no good whatever in it; it covers no man or body of men with renown; but it covers them with contempt and infamy, decreed, I believe, by the just judgment of posterity. I hope and pray that when the impartial pen of history in after times shall tell the story of our doings in this Session of the British Parliament, it may not have to say that the Prime Minister and his colleagues, and the House of Commons supporting them, let down the power of the House of Commons, and sacrificed and betrayed—as I fear we are in danger of sacrificing and betraying—those most solemn and important rights which we are bound to maintain, I undertake to say, by sanctions and engagements stronger than any which oaths can give. We are bound to maintain them by all that our forefathers have done upon this question, and by that which all those who may come after us will have a right to expect at our hands. I ask the noble Lord and the Government a question. I do not say he should answer me now—that he should rise in his place and say, “It is impossible that anything can be done, and that we have given a final opinion upon this matter.” The noble Lord is not infallible, any more than any of us, but he might do much to band together those who, for the most part, have cordially supported the Government during this Session; he could

do that which would be approved by the great party in the country which has sent us to this House; and I say, moreover, I believe, to the credit of hon. Gentlemen opposite, that if he would do this he would have the support of many on that side, and Parliament would unitedly rejoice that we could separate having left the same powers in the hands of the House of Commons undisputed, uncontrolled, unimpaired as it had when we began the Session.

VISCOUNT PALMERSTON: Sir, I had hoped that the House had sufficiently discussed, and, at all events, disposed of for the present Session, a question which threatened to bring about a serious collision between the two Houses of Parliament. It is allowable, no doubt, for those who, like the hon. Gentleman, entertain very strong and extreme opinions upon this matter, to take advantage of any fair and proper opportunity for impressing those opinions upon the House, and urging that they should be carried into practical execution. But, I must say, if the hon. Gentleman entertains those strong opinions, which he has expressed to-night as to the consequences upon the character of this House, and upon the constitution of the country, which would follow from nothing more being done than that which the House, by a majority of, I believe, 400, agreed to do—it would have better become the hon. Gentleman if he had produced his opinions, and proposed his course of conduct at the time when the matter was under the consideration of the House, when the House was full, when the events were recent in the minds of hon. Members, and when, therefore, this House was more in a condition to determine, and the country more in a condition to accept a Resolution than they can be at this moment. I think that I performed my duty to this House and the country by the course I conceived it right to recommend the House to pursue; and that opinion has, I think, been confirmed by the immense majority by which those Resolutions were sanctioned. If I had thought that measures such as those to which the hon. Gentleman has adverted as having been adopted by Ministers in former days, would have been proper for this occasion; and that it was necessary to propose them to the House, I trust I should not have required the stimulus of the hon. Gentleman's advice to point out the measures and the course which, as the responsible Minister of the Crown, I should

have deemed it my duty to recommend to the House. I did not think the occasion required more than that which I proposed, and which the House adopted. I think we did sufficient to maintain the dignity and assert the privileges of this House of Parliament. But I think that, if there is one thing which is more undignified than another, more humiliating and degrading than another, either to individuals or to assemblies, it is to resort to puling lamentations, to fruitless complaints, well knowing at the time such lamentations are uttered, and such complaints are made, that no practical result can follow, except that of declaring to the whole world that, in the opinion of the speaker, an injury has been sustained for which, at the same time, he admits no remedy can be obtained. I think the hon. Gentleman would better have consulted his own character and the dignity of Parliament—he would have shown more regard for the constitution of the country, if, not choosing to make these proposals when the matter was under consideration—he had been content to let it rest upon what a numerous majority of this House deemed to be a satisfactory footing, and which I take leave to say was approved by the great bulk of the nation. The hon. Gentleman says that if we had dissolved Parliament, and appealed to the country upon this question, we should have had a large majority; but I will tell him that I am of an entirely different opinion. I am persuaded that the country would not have supported a Ministry who deemed that, under the circumstances of the case, it was a question upon which to place the issue before the electors of the country. I am not prepared for any of those courses which the hon. Gentleman has proposed. Towards the conclusion of his speech he has been pleased to tell us what, in his opinion, constitutes the crime of treason. There are those who think that men who would wish to overthrow, one by one, every component part of the institutions of the country—who, whether in Parliament or out of Parliament, in their minds conceive plans, which, if carried into execution, must come under that denomination, deserve to have that appellation applied to them. But all I take leave to say is, that when the hon. Gentleman says that the course which the Government have taken, is, in his opinion, a treason against the people which would cover that Ministry with contempt and infamy—I say I leave with

confidence the question between the hon. Gentleman and myself in regard to this matter to the deliberate judgment of posterity—aye to the judgment of the present time and of all future ages—and I am not at all afraid as to which of us two will be deemed to be deserving of the epithets which he has bestowed upon me.

Afterwards—

LORD FERMOY said, that as he had been appealed to by the hon. Member for Birmingham with regard to the Instruction he had put on the Notice Paper, he thought it only fair to state the course he meant to pursue upon the paper duty.

MR. SPEAKER said, the noble Lord was entirely out of order in explaining what he intended to do in regard to a Motion of which he had given notice.

LORD FERMOY said, after the speech made by the noble Lord at the head of the Government, and the very able speech made by his hon. Friend below him (Mr. Bright), he had a right to make a few remarks. He thought, since the question had been raised in the House, and particularly since the Resolutions of the noble Lord had been carried, that the House of Commons and the other House of Parliament did not stand in a satisfactory position. Either the House of Lords had infringed the privileges of the House of Commons, or it had not. If it had not infringed the privileges of the House of Commons, the Resolutions of the noble Lord were superfluous. If the privileges of the House had been infringed, the passing of the Resolutions had not redressed the position in which they were placed; and therefore he thought it would be more expedient that they should take some further movement. The noble Lord at the head of the Government in his speech said his own opinion, and the opinion of the Government, with regard to the present position of the House, was unchanged. The noble Lord had declared his determination not to take any further steps; and therefore, if other steps were taken, they would be met with the united opposition of the Government. His hon. Friend below him (Mr. Bright) occupied a very important position in the House of Commons as regarded this question; he also occupied a very prominent position in the country with regard to many questions. The hon. Gentleman was followed by a number of Gentlemen who placed implicit confidence in him. He (Lord Fermoy) was in this position. If he pursued the course of which he had

given notice, he would be opposed by Her Majesty's Government; and therefore, in order not to inconvenience hon. Members, and in deference to the advice of his hon. Friend below him, and others in whom he had confidence, he felt he had no alternative but to abandon the question during the present Session.

ENCLOSURE OF HAINAULT FOREST.

OBSERVATIONS.

MR. BUXTON said, he rose to call the attention of the House to the enclosure, which was rapidly going forward, of forest ground in the neighbourhood of London. He might say at once that he found, as usual, the blame shifted from one Department to another, so that he could not fully ascertain who really was responsible. The first question which he would ask the right hon. First Commissioner of Works was, by whose authority those enclosures were carried out? He wished to ask next, whether the Government intended to continue them. Epping, Hainault, and Wanstead forests formed a range of forest reaching up to within six miles of the east end of London. They were crossed by several lines of railway from different points of the East end. They were, therefore, singularly accessible to the hundreds of thousands of hard-worked shopkeepers and working men in that aggregation of great cities, Spitalfields, Whitechapel, Mile End, Stepney, Shoreditch, Hackney, and other parts, crammed with human beings, who were thus provided with noble and beautiful parks, which cost nothing to buy and cost nothing to keep up. He could speak from personal experience of the immense use which was made of them. He understood that last year upwards of 100,000 persons went down by rail alone to enjoy them, and nearly as many more by vans, carts, gigs, and other conveyances. He had spent many summer evenings in those forests, and could only say that he had never seen any spectacle that had given him greater satisfaction than the thousands upon thousands of pallid, over-worked mechanics, with their wives and families, enjoying themselves among these beautiful glades. On Sundays, especially, there used to be tens of thousands diverting themselves, some quietly, some noisily, but all happily and harmlessly, and inhaling health to body and soul. But all this was now rapidly coming to a close. These lovely forests had by ill-luck fallen into the

hands of red-tapists of the deepest die. At the very time when they were spending hundreds of thousands of pounds to form and maintain parks for the people, at that very time the authorities, whoever they might be, had chosen to sell the Crown rights over these natural parks, the delight and comfort of hundreds of thousands of Londoners, and which cost nothing whatever for their maintenance. There might be some shadow of excuse if they had sold those rights for an important consideration. But the fact was that the Crown rights over Wanstead Forest—the loveliest part and the nearest to town—were actually sold for less than £3,000 to the Earl of Mornington. For that wretched pittance the Commissioners had for ever deprived the public of as delightful a part as could be found. He had visited Wanstead Forest the other day, and was filled with indignation to find the trees cut down, the ground ploughed up, and great palings erected to keep the public off from what they had lately possessed and so highly valued. He trusted the right hon. Gentleman would put a stop to what he considered one of the stupidest of the stupidities that had been done in the present day.

Afterwards—

MR. T. S. DUNCOMBE asked the Secretary to the Treasury on what principle the Woods and Forests having taken 1,873 acres of the King's Woods of the late Forest of Hainault, in full satisfaction of all Her Majesty's rights over the said King's Woods, now claim a further portion of the residue of the King's Woods that the Crown gave up for the benefit of the Commoners; and also on what grounds they included in the Bill, which they promised the Commoners of Chigwell and Lambourn to bring in for the division of the part of the King's Woods so given up by the Crown, the manorial wastes of Chigwell and Lambourn, and this without the consent of the Commoners of Chigwell and Lambourn?

MR. LAING said, it devolved on him, and not upon the First Commissioner of Works, to reply to the two questions put respecting these forests, because they were not public parks but private portions of the hereditary estates of the Crown. If they were public parks, he admitted that in many respects it would be desirable to preserve them for the purpose of affording recreation to the public. But being private property, very different considerations supervened. Those grounds were to all intents and purposes the property of the

Crown. That being so, it was the duty of the Commissioners of Woods and Forests to manage those estates for the benefit of the property, as might be the case with any other private property. As regarded the last question relating to the division of the forest of Hainault, it was partly a question of the rights of private property. The rights of the Crown were of two sorts. The Crown had a right of soil and a right of forest over a large portion of the forest known by the name of the King's woods, and the Crown was proprietor of certain enclosed land in the adjoining parishes, possessing the ordinary rights of common over the unenclosed land in the neighbourhood. Some time ago an arrangement was come to by which the right of soil and of forest in the King's-wood was commuted into a specific grant of upwards of 1,800 acres; but it was duly recited in the Act that the rights of common of the Crown were not in any way affected. In 1851 another Act was passed for apportioning a large mass of common land, in which the Crown obtained a certain interest as one of the landowners in the district. The Commissioner appointed under that Act made a certain award; but an appeal from his decision, raising the question of the legal right of private individuals, was now pending in the Court of Common Pleas. The case of Epping Forest was somewhat different. The Crown had no right there over the soil, but simply a right of forest. That right was for a long time quite unproductive, and the Commissioners of Woods thought it their duty to make it profitable for the estate of the Crown by selling it to the adjoining proprietors. They were doing nothing themselves to enclose any portion of the forest, but by the sale of the right of forest they had indirectly put the adjoining proprietors in a position to obtain enclosures, which might not otherwise have been available. He admitted, however, that it was highly desirable that some portion of the district should be preserved for the use of the public, and, although he saw considerable difficulties in the way, he should be happy to communicate with the Commissioners for the purpose of ascertaining whether, consistently with the rights of the Crown, a satisfactory arrangement could not be made.

DISTURBANCES IN SYRIA.—QUESTION.

MR. H. B. SHERIDAN said, he rose to ask the Secretary of State for Foreign

Affairs, Whether, with reference to the interference of the Great Powers in Syria, it is the intention of Her Majesty's Government to limit the aid rendered by England to the appearance of a Naval Squadron off the coast? And, whether or not, in the event of the horrible massacres being continued and the troubles in Syria extending to fresh places, is the intention of Her Majesty's Government to send aid in troops, or to permit France to obtain all the honour and credit which must result from an active military support of the Christians against the terrible proceedings of the Mahomedans?

LORD JOHN RUSSELL: With regard to the question put to me by my hon. Friend, who has asked whether we have limited our operations to the mere appearance of a naval force on the coast of Syria, I have to reply that we have not so limited our interference; but that our naval squadron will do all in their power to prevent the massacres, and, if they are not otherwise able to do so, the Admiral is instructed to land the marines, in order to prevent a recurrence of the scenes that have lately been witnessed. It has been communicated to me by the Turkish Ambassador, that there are accounts from Fuad Pasha that nearly 400 persons have been arrested for taking part in the recent outrages; that extraordinary tribunals have been established; that several of those persons have been condemned; and that, if found guilty of taking a part in the massacres, they will be immediately executed. He informed me likewise that Fuad Pasha states that all the well-disposed people in Damascus have assisted the Government in arresting those who had participated in the outrages, and that the troops of the Sultan have behaved with the greatest loyalty. No doubt, when the representatives of the various Powers met at Paris, it was their opinion, and that of Her Majesty's Government, that there was considerable reason to fear, from the misconduct of the Turkish troops, and those who commanded them, that the cause of order would find faint and uncertain support from those troops. It was therefore thought necessary to agree that a body of French troops should be sent to support the authority of the Sultan, to prevent bloodshed, and restore tranquillity. But it was thought far better, in the first instance, that one Power should take charge of the movement of the troops. If it became afterwards necessary to send an additional number of troops, according to the protocol

laid on the table, it would then be for the Powers to consider which of those Powers should furnish the additional troops, and of course Her Majesty's Government will have to give their opinion on that subject, and, if necessary, will take a part in the operations. I trust, however, that no such necessity will arise. I am inclined to believe, from the vigorous measures that Fuad Pasha is taking, that although murders are still going on in the country, and although the unfortunate Christians are afraid to return to their homes, the state of things will very soon be much better, and that the forces of Turkey and France will restore tranquillity and order to that country. If that be the case, instead of an additional number of troops being required, the Government of France will be enabled to recall the troops they have sent. We wish that this operation may be a speedy one, and that we shall soon hear that order has been restored and that these horrible massacres have ceased. Of course, the general restoration of order is a matter of the first importance, and we shall then have to consider what measures should be adopted to prevent a repetition of these outrages.

IRISH BUSINESS.—OBSERVATIONS.

MR. VINCENT SCULLY said, Sir, I gave notice yesterday, that I should on this evening call attention to the conduct of Irish business, and also ask some questions relating to the Poor Law Department in Ireland. The mode in which Irish business has been conducted, both in and out of this House, is a subject too large and important to admit of having full justice done to it, without transgressing the bounds of that privilege still enjoyed by independent Members, upon the usual Motion to adjourn from this Day until Monday. This privilege is naturally disrelished by Ministers, who would willingly narrow its legitimate limits, because under existing arrangements it supplies almost the only opportunity for directing attention to special subjects. In my observations upon the conduct of Irish affairs, I shall be as brief as practicable, and will avoid every expression at all irritating to any Member, whether in or out of office. What are the Irish measures which have either been presented to Parliament, or are likely to become law during the present Session? Of the latter class there are only the Irish Land Bills, which are useless—perhaps harmless—abortions;

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and the Maynooth College Bill, which will simply abstract some funds from educating the poor students, in order to keep the roof over their heads, thus “robbing Peter to pay Paul.” The other Government measures for Ireland were the Reform Bill, which was withdrawn; the Irish Prisons Bill, also withdrawn; the Births, Deaths and Marriages Bill, likewise abandoned. A Poor Law Bill, afterwards converted into a mere Continuance Bill, with two valuable clauses introduced by independent Members in this House, but struck out this very evening in “another place.” There are on our paper for this night two Coercion Bills for Ireland, the one called “Peace Preservation Bill,” and the other “Party Emblems Bill.” We are to have no Volunteers for Ireland, though myriads of men have been enrolled in England and Scotland; no coast defences for Ireland, though millions of pounds are to be expended on them in England; and no effectual step towards remedying the atrocious injustice of English and Scotch deportation of Irish paupers, beyond the appointment of a Select Committee, whose Chairman is also President of the English Poor Law Board. The grave question which now most interests Ireland is, whether a mixed system of National education shall continue to prevail there, or separate aid be supplied for the schools of each religious denomination. That most urgent of all subjects has been thrown over and postponed, notwithstanding repeated remonstrances from the Catholic Prelates of Ireland, and from others whose position ought to entitle them to some attention. In November last I wrote to the Chief Secretary for Ireland, and also applied to him early this Session, but could extract no reply or information, beyond an intimation that the proper time to explain the views of Government would not arrive until the Estimates for National Education should be submitted to Parliament. It is now near the middle of August, but no Irish Estimates have been brought forward; and it will not be until after “Partridge Day” that a thin and impatient House will be invited to discuss this perplexing question. It is, therefore, manifest that any settlement of it must necessarily lie over until next Session. The Chief Secretary for Ireland is all bland civility, which invites corresponding courtesy. Accordingly, I handed to him yesterday morning a copy of my intended notice for this night, and he received it with that distinguished *suaviter in modo*,

which often accompanies the *fortiter in re*. I have no means of actual knowledge, but can easily conceive that, on receiving my notice for this evening, the right hon. Gentleman at once directed the preparation of a counter notice, in the form of the usual Government circular, to Members occupying seats on this side of the House. That circular I got this morning in an open envelope, and it is, therefore, no secret, nor its production any breach of confidence. These are its precise terms:—

“Certain Division—Your attendance is earnestly and particularly requested in the House of Commons on Friday, August the 10th, at the evening sitting, on the Peace Preservation (Ireland) Bill, second reading.”

That was the vigorous response which I received in reply to my present notice. I have now endeavoured to present briefly a faithful outline of the mode in which Irish business has been conducted in Parliament during this Session. For any shortcomings, I do not altogether blame the Irish portion of the Administration, as it is probable English matters interfered, regarding which English Members may have their own grounds for complaint. But, what has been the conduct of Irish affairs out of Parliament, and in Ireland itself? That country is governed by an English Lord-Lieutenant, through English Commissioners, and heads of departments, constituting a system of foreign bureaucracy, which deserves the old title—“The English Garrison in Ireland.” In addition to the Chief Governor of Ireland, we have a Chief Secretary for Ireland, an Under-Secretary for Ireland, the Commander of the Forces in Ireland, the Commanding Officers of Artillery and of Engineers in Ireland, the Inspector-Generals of Irish Militia and Irish Hospitals, the Chairman of the Board for inspecting Irish Prisons, the Chief and three others out of the five Commissioners of Poor Laws in Ireland, the Chief Officers of Income Tax, Excise, Customs, Post Office, and other departments in Ireland, who are not natives of that country. The Protestant Archbishop of Dublin—who, with the Commander of the Forces and the Lord Chancellor, usually govern Ireland during any temporary absence of the Lord Lieutenant—is also an Englishman. It would occupy much time to expose fully all the practical evils, arising from a system of functionarism, presided over by persons whose natural ties and interests do not identify them with the governed country. Some of those mischiefs may be collected

from a description given by a philosophic traveller, of the bad effects of the bureaucratic system in Continental countries. In his *Observations on Europe*, Mr. Laing (father of our present Secretary to the Treasury) says—

“In all countries of Germany, occupied by the French, the established functionaries, in every district and department of public affairs, became the willing instruments in the hands of the French, of the most grievous exactions, contributions and oppressions; which without their assistance and organization, could not have been carried into effect by the French Commissioners. The chiefs only of a few departments had to be removed, or rather to act under a French functionary; but almost all the machinery of functionarism remained. Every man sticking to office, and quite as effective for the enemy as he had been for the sovereign of his country.”

It is notorious in Ireland that the smallest official there has more real weight with the local government of that country than the united influence of all its independent Representatives, not one of whom is ever consulted about its affairs, or as to any intended measures. Indeed, all Bills which concern Ireland are invariably preserved as profound state secrets from Irish Members, and the first intimation that we ever receive respecting them is the ordinary printed notice on the papers of this House. The Lord Lieutenant is a sort of *roi faïnéant*, with a mock regal court in Dublin, where he gives pleasant banquets and parties, at which the several officials with their families dine, dance, and make merry together, as well as at their own habitations; thus becoming a family party, which, in effect, governs the whole country, and arranges all its public affairs and appointments. Should the official conduct of any among that compact *coterie* happen to be impugned in this House, they have their Chief Secretary here to defend it, however culpable, as was recently exemplified in the case of the Rev. Mr. Fox, whom the Irish Poor Law Commissioners dismissed so unjustly from his office of chaplain to the South Dublin Union. A main objection to Austrian rule in Lombardy was the exclusive employment of Germans in its civil and military affairs. For my own part I should not in the least object to a large English element amongst officials in Ireland, were there any reciprocity observed by a due infusion of Irishmen into Imperial offices and counsels. But I do protest against the present one-sided arrangements. It is, perhaps, useless to reiterate any solitary protest, that although the so-called

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Act of Catholic Emancipation was passed more than thirty years since, not one Roman Catholic has ever been admitted into the Cabinet of the Empire. From the present Ministry all native-born Irishmen are also rigorously excluded, though some subordinate situations are occupied by Irishmen, who have been already described as outside passengers upon the political omnibus of the noble Lord. Two of those inferior offices are filled by noblemen of great consideration in Ireland, who represent the counties of Kerry and Wicklow (Lord Castlerosse and Lord Proby). A third office is occupied by the Member for the county Louth (Mr. C. Fortescue), heir presumptive to a peerage, and known amongst Englishmen through his Oxford career. The Attorney General for Ireland is necessarily an Irish barrister, my right hon. Colleague for the county of Cork, whose abilities well qualify him for the office. There is also an Irish Lord of the Treasury, which inferior post was refused by two Irish Members, and afterwards accepted by a gentleman of large position in his own district, the hon. Member for Clonmel (Mr. Bagwell). Now I do not suggest that fitter gentlemen could have been selected for Government appointments, but I do assert that, in their subordinate positions, they are utterly powerless to influence the counsels of the Ministry, or urge their own views as to public affairs in the manner they might desire. That they were really anxious to benefit their own country, and procure useful measures for it, by accepting office under the present Government, appears from some of their addresses upon that occasion. The hon. Member for Clonmel, in his election address of June, 1859, stated, no doubt most sincerely, that—

“Having accepted office in a Government composed of all sections of the great Liberal party, I trust by unremitting attention to imperial and local interests, to prove that, by joining the most advanced Ministry that has ever ruled in this country, I have neither surrendered my principles nor relaxed my endeavours to procure useful measures for Ireland.”

With equal sincerity the present Attorney General for Ireland, in June, 1859, addressed the electors of Cork county in those terms:—

“The Government under which I have accepted office is composed of the most Liberal statesmen, chosen from all sections of the great Liberal party, and is especially a Government of progress. In the benefits of that progress, I believe that Ireland

will largely participate; and that the new Government will seriously and promptly address itself to the remedy of grievances long felt, often admitted, and too long left unredressed. You will find that in office I will endeavour, honestly, to carry out those views, which I have uniformly advocated when I was unconnected with, or in opposition to, preceding Governments."

We may reasonably conclude that those hon. and right hon. Gentlemen are even more distressed and disappointed than ourselves at the supineness of their English colleagues, who have not merely left all old grievances wholly unredressed, but have so conducted affairs as to lose all political influence in Ireland, and to injure seriously "the great Liberal party" by alienating from it many of its Irish Members. And here I wish to address myself especially to English Liberals, who should clearly understand that a defection of fifty Irish Liberals to the opposite ranks will in effect cause a difference of 100 votes, which can only be compensated by corresponding accessions in England or Scotland. Formerly some seventy-five of the Irish Members, constituting five-sevenths of their entire body, used to occupy seats upon the Liberal side of the House. That state of things is at present reversed, there being now perhaps about seventy-five on the Tory, and hardly thirty on the Liberal benches. Some of those thirty Members retain their positions with difficulty, and probably against the wishes of their constituents, but being Liberals of long standing, and not mere mushroom Liberals of yesterday, it is repugnant to their political feelings to cross over to the Tory side of the House. They may, however, have to do so soon, or to leave the House altogether, should Irish remonstrances remain unregarded, and admitted grievances be left unredressed. Even now there are but few who have faithfully adhered to the Liberal side, and the last "rose of summer" may ere long be "left blooming alone" on these seats. Under these circumstances, and even in an English aspect, every reasonable means should be adopted to revive and restore the Irish Liberal party, instead of alienating its members still further, as would seem to have been wantonly done at a Ministerial meeting in Downing Street, on Monday last. Being no supporter of the present Government, I did not go to that meeting, but we have all heard various versions of what occurred there, and that in consequence of some ill-timed expressions of the noble Lord (Lord Palmerston), no fewer than twelve staunch Liberals, representing

Irish constituencies, deliberately abstained that evening from recording their votes in favour of the proposed reduction of duty upon foreign paper. Not having attended the meeting in Downing Street, I experienced no personal slight, and felt at liberty to vote for the reduction of duty, on the obvious grounds that such reduction formed a part of the Commercial Treaty with France, which I had already supported; that the opposition to it was a mere set against the Chancellor of the Exchequer, to which I ought not to lend myself; and also because I felt that the vote would give me a stronger hold upon English Liberals, as well as upon the Government itself, in any remonstrance I might afterwards make with regard to Irish matters. I will now take the liberty to suggest to the noble Lord (Viscount Palmerston) that he should profit from his recent experience, and not again venture to—

"Cast off his friends, as a huntsman his pack;
Assured, when he likes, he can whistle them
back."

For, it may happen, that the more the noble Lord shall whistle, the less they will feel inclined to return; and that when he may desire to recall his departed "spirits from the vasty deep" of Toryism, they will disregard his invocations. It is possible, however, that he may feel personally indifferent to these consequences, because he can safely calculate to be the political "Vicar of Bray," in any conceivable complication of circumstances, or form of administration. But it is manifest the proper conduct of Irish business vitally affects the Liberals of England, as well as the Liberals of Ireland. I have submitted these remarks in the most temperate, and almost subdued language, though not in any terms of "puling complaint,"—to borrow an expression used this evening by the noble Lord. They are offered in a spirit neither hostile nor friendly towards the Government, but from a simple desire that some remedy shall be devised for the existing evils, by those who have the power to apply it. Any which I might suggest, may not be accepted in good part, and, perhaps, were I to point out the right course, that might only be a reason for taking the wrong one. But, I venture once more to warn English Liberals that, unless some effectual remedy is applied during the *tempus penitentiæ* afforded by the approaching recess, they will probably find that early next Session a strong Tory Government will be permanently located in office. I

shall now conclude by asking the Chief Secretary for Ireland, whether the Rev. Mr. Fox is actually reinstated as chaplain of the South Dublin Union; and is it intended, on the part of the Government, to infuse a due proportion of Irish and of Catholic elements into the constitution of the Irish Poor Law Board, which now consists of five Commissioners, of whom not one is a Catholic, and only one an Irishman?

Motion agreed to.

House at rising to adjourn till *Monday* next.

PEACE PRESERVATION (IRELAND)
ACT (1856) AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. CARDWELL moved the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. BLAKE said, he would propose that the Bill should be read a second time on that day three months. He submitted that no grounds existed for asking for the strong repressive powers which this measure would confer on the Government. They had the evidence of the Prime Minister himself, and of the Chief Secretary for Ireland, that the people of Ireland were well affected. He admitted there had been times in Ireland when, owing to misgovernment, it was necessary that the Executive should be armed with stringent repressive powers; but, although the misgovernment still remained, the diminution of crime and the absence of outrage rendered quite unjustifiable the proposal to renew the obnoxious Act of 1856. In short, there was no country in Europe in which the records of crime were so small as in Ireland, and in support of the statement he referred to the addresses delivered in various counties by the Judges of assize during the late circuits in Ireland. He quoted the addresses of the Judges to the Grand Juries in Monaghan, Roscommon, Clare, Meath, Limerick, Wexford, King's County, Westmeath, Down, Wicklow, Leitrim, and Waterford. In all those places the Judges congratulated the Grand Juries on the lightness of the calendars. Under these circumstances, it was a strange proceeding on the part of the Government to ask for repressive powers from Parliament.

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MR. MAGUIRE seconded the Amendment.

Notice taken that Forty Members were not present: House counted; and Forty Members being present,

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months.'"

Question proposed, "That the word 'now' stand part of the Question."

MR. BLAKE submitted that it was impolitic on the part of the Government to press this measure, because by doing so they would give the people of Ireland to understand that they had no claim upon their affection, and could not trust them.

COLONEL FRENCH said, he wished to ask why the Bill was brought forward, because, as far as his information went, there was no necessity whatever for it. In every county in Ireland the Judges had congratulated the Grand Juries on the absence of crime and the great contentment of the people, and he was, therefore, astonished at a measure which, as far as Ireland was concerned, suspended the British Constitution. Moreover, the Act itself was totally unintelligible. It vested powers in the Lord Lieutenant of Ireland of a most objectionable character. Not only had he the power of transferring forces—police and military—from one place to another, whenever in his judgment he deemed the peace to be in danger of being disturbed; but he had the power also of levying a tax for their maintenance. He also had the power of ordering any person suspected of possessing arms to be searched, and likewise the power of ordering prisoners to be moved from any one part of the country to another. Now, was that the case in any other part of the United Kingdom? For these reasons he should support the Amendment.

MR. LONGFIELD denied that the Peace Preservation Act had anything to do with the pacification of the country, and the prevention, detection, or punishment of crime. It was often a mere excuse for laziness on the part of those whose duty it was to enforce the general law. Wherever the ordinary powers of the law had been put into force, they had been found quite effectual. Within the last few years there had been in England crimes of greater magnitude than in the sister country, such as the Chartist riots, the insurrection at Monmouth, Thom at Canterbury, and the Stockport riots. He repeated that this

measure operated only as an excuse for apathy and negligence on the part of the authorities. For an offence which in England would only give rise to the interference of the ordinary authorities, all Ireland was degraded in the eyes of civilized nations by an Act which, from long experience, he believed to be utterly useless and inefficient. Believing that no case had been made out for this exceptional and degrading legislation, and that in point of number, magnitude, and atrocity, crimes in England had, within a given period, exceeded those in Ireland, he should also support the Amendment.

MR. CARDWELL said, he hoped that it would not be considered an insult to the people of Ireland that he should propose to continue for a limited period an Act which experience had shown to be productive of good effects. He gladly recognized the fact of the satisfactory state of Ireland in respect of crime; but he could not understand why the continuance of these powers should be construed into an impeachment of the people of that country. While he admitted with great pleasure the satisfactory state of Ireland in that respect, he could not overlook the fact that there were circumstances occasionally occurring in Ireland which did not occur in this island—circumstances which it was the duty of the Government to guard against in the interest of the peaceable and well-disposed portion of the community. They had all heard of recent occurrences, into which he would not then enter, and he had received information that “there was a sham fight, at which 500 or 600 persons were present, with an immense quantity of arms.” That was contained in a Report from a Government officer, dated August 4, 1860. [Mr. BUTT: Where was that?] At Scarvagh. The Bill which he asked the House to accept contained only two powers—one to enable the Government to take away arms in proclaimed districts; and the other to impose the expense of an additional police upon the proclaimed district. He thought there was nothing unreasonable or unjust in either proposition, but that both powers were essentially for the interest of Ireland, as tending to insure the maintenance of peace and tranquillity. It was said that the powers of the ordinary law were ample; and that might be if the object in view was only to punish crime; whereas the powers of the Bill he proposed were intended and calculated rather to prevent crime. What had been the state of the town of Belfast in

1857? There were continuous riots, which were not put an end to by either police or military, but by the simple proclamation of the town. He repeated that the Continuance Bill before the House could not be regarded as an insult to the people of Ireland, but as a protection for the peaceful and quiet inhabitants. It was said, too, that the police had no influence on the repression of crime; but what had been the case in King’s County? At the Summer Assizes of 1858, it was determined to withdraw the additional constabulary. In 1859, there were no less than forty-three serious outrages; and in December, 1859, the magistrates applied for additional police. The Chief Justice, in the present year, noticed the heavy nature of the calendar, but congratulated the county upon an increased activity on the part of the police, and, consequently, greater success in the detection of crime. The principle of the Bill was, first, that a district should be held responsible for any extraordinary amount of crime committed within it; and next, when large numbers of persons possessed arms which it was likely they would use to the injury of themselves or others; then there was a power not of punishment, but of prevention. It was only desired to continue the provisions of the present Act for a limited period, and that there was no wish on the part of the Government to enforce those powers unnecessarily was evident from the fact that at present there was not a single constable charged upon any district in Ireland. He hoped, therefore, the House would assent to the second reading of the Bill, which the Government had felt it their duty to introduce to meet any occasional outbreaks.

MR. M’MAHON observed, that the sincerity of the right hon. Gentleman would be tested by one question. Had Scarvagh been proclaimed?

MR. CARDWELL said, that Scarvagh was situate on the borders of Down and Armagh, and the whole of the latter county was under proclamation.

MR. M’MAHON said, he would then further ask, whether it was intended to take away arms from the people in the North of Ireland? He did not believe it, for the Protestants had never been deprived of their arms. This Bill, which had been renewed from time to time, was originally that Crime and Outrage Act of 1847 which, like the Coercion Act of 1841, was passed to meet anticipated disturbances. But now there was no such state of things, and

he could not see what necessity there was for this Bill. The right hon. Gentleman had referred to the King's County; but the reason why crime had diminished there was not the proclamation, but the greater attention which the police had paid to their duties. The disturbances at Belfast in 1857 were traceable to the fact that the police of that town were appointed by the corporation, and were all connected with the Orange body. The Bill was distasteful and unnecessary. The argument that it was intended to prevent crime was the old argument which was employed to stifle liberty everywhere. The true principle to go upon in regard to Ireland was, to allow to the people their common and ordinary rights, and when they abused those rights then to punish them. But let them not, on the pretence of preventing crime, cast a slur upon four or five millions of people, and make it a misdemeanour for any man to carry a gun or pistol in any district which the Lord Lieutenant may have proclaimed. He trusted that the Government would reconsider the whole matter, and satisfy themselves that there was really no necessity for a renewal of the Act.

MR. BUTT said, that when he heard the right hon. Gentleman the Secretary for Ireland declare that Ireland was a peaceable country, and that this measure was taken as a matter of precaution, he thought the right hon. Gentleman would have also said that it was the intention of the Secretary for the Home Department to have introduced so admirable and excellent a Bill into England. If that were not done, he (Mr. Butt) asked the right hon. Gentleman what had he said to justify his exceptional legislation for Ireland? He (Mr. Butt) could term this measure nothing but a coercion Act. It belonged to that code of legislation which a great Irishman in that House had stigmatized as "Algerine." The whole purport of the Act was, that no Irishman should be entitled to have a gun in his House unless he obtained the permission of the Lord Lieutenant. The only justification offered for this Bill was the fact that 700 or 800 persons assembled at a place in the county Down, and had a sham fight, but which was followed by no breach of the peace. He asked was there ever heard such a justification for such an Act? Assize after assize in Ireland, the Judges congratulated the people on the diminution of crime, and it was under such circumstances that the right hon. Gentleman asked the House to

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renew an Act, the preamble of which set forth that it was necessary because, "crime and outrage are generally prevalent in Ireland." Measures such as that before the House were mischievous to the peace of Ireland, unless some strong necessity was shown for it. Unhappily, there was a tendency in Ireland, fostered by misgovernment, to throw everything upon the Government and to do nothing for themselves. It was a tendency which unhappily prevailed through many departments of Irish business, and therefore, the moment they told a magistrate of a county that when an outraged occurred, instead of exerting the powers of common law, he had nothing to do but to call for measures of coercion, he (Mr. Butt) said it was a premium upon that tendency which of all others it was their duty to discourage. It appeared from a return of the number of counties in Ireland that had been proclaimed that nearly every one had at one time or other been subjected to that indignity; and in a large proportion of cases the reason assigned for the step was of the most frivolous kind. It was an accusation against the Austrian Government in Italy that a native was liable to punishment who had arms in his house without the licence of the Government; yet that was the system which it was proposed to revive in Ireland. This measure was proposed in 1848, renewed in 1852, again in 1856, and now in 1860 it was again proposed to renew it for two years more. No one could doubt that in 1862 the Chief Secretary for Ireland of the day would again come down and propose that the Bill should be, as a matter of course, renewed again. He asked English as well as Irish Members—Protestants as well as Roman Catholics—whether any justification had been shown for continuing this Algerine measure in a time of profound tranquillity? He would make the Chief Secretary for Ireland a proposal which must be admitted to be a reasonable one. If the Government would limit the operation of the Bill to a few months, and let it expire on the 1st of May next, so that the House would have an opportunity of discussing the Bill in the month of April, and not in the month of August, he would not object to the re-enactment of the Bill. The right hon. Gentleman had attempted to justify this Bill in consequence of a sham fight. But what was a Government worth if it could not prevent a few hundred men from having a sham fight in Ireland? The sooner those

who made this admission gave up the Irish Government the better. In 1846 a similar Act broke up the strongest Government this country had seen for many years. Lord J. Russell, who then came in, proposed an Arms Act, which was to expire on the 1st of May, but at the close of the Session he was obliged to give up that measure. He called upon the House to declare that the day was gone by when Coercion Acts were required for Ireland.

MR. DEASY said, he could not congratulate his hon. and learned Friend on the consistency of his speech, because, after speaking of this as an Algerine Act, a measure of coercion, an insult to Ireland, and a suspension of the Constitution, his hon. and learned Friend ended by proposing that this measure, introduced, as he said, without any justification or reason, should be enacted for the whole of the ensuing winter. When the hon. and learned Member read to the House a portion of a return, he scarcely acted quite fairly to a preceding Government: for he omitted the fact that the proclamations had been withdrawn.

MR. BUTT: I beg pardon; they have not been withdrawn.

MR. DEASY said, many of the proclamations had been withdrawn. The proclamation, for instance, with regard to Cork was withdrawn in 1851. The hon. Member for Mallow (Mr. Longfield) had complained of the inefficiency of the local and stipendiary magistrates in Ireland. He differed with the hon. Gentleman on that point, and thought his remark most unjust to the Magistracy of Ireland. The hon. Member for Wexford (Mr. M'Mahon) had stated that if there were as efficient a police force in Ireland as in England, all crime and outrage would be detected and prevented. He (Mr. Deasy) held in his hand a resolution passed at a meeting of the magistrates of Tipperary, presided over by Lord Hawarden, declaring that the present tranquillity of the country was owing to the efficiency of the police. He believed the Irish constabulary to be as efficient in the detection of crime as any men could be. The Bill had excited displays of feeling not warranted by its provisions, or by the circumstances under which it was introduced. In 1846, when the Peel Government was displaced, there was, in consequence, a cessation of the provisions which had previously existed restricting the use of fire-arms. But, in 1848, the Whig Government, which had succeeded to power,

introduced a Bill reimposing the restrictions; and they had been continued by every successive Government from that time to the present. Speaking on his official responsibility, he believed that the rejection of the present Bill would be attended with mischievous consequences, and that the security of life and property during the coming winter might be seriously endangered if the House were to refuse to the existing Government those powers which Parliament had conceded to successive administrations and which had never been abused. Nothing was further from his intentions than to appeal to religious prejudices, but there were two grounds upon which the Government had a right to ask for a continuance of the Act of 1856—first, the unfortunate excitement which at present prevailed in the north; and, secondly, the existence of the Ribbon confederacy in many districts of Ireland. The Ribbon confederacy was gradually being suppressed, but if the House rejected the present Bill it would spring up again with renewed vigour. King's County and Westmeath might be mentioned as districts where Ribbonism existed. What was the state of things in the north? He recently received a report, stating that an assemblage of Roman Catholics, armed, had created terror among the Protestants, and had produced a counter assemblage of armed Protestants in the neighbourhood of Armagh. Was that a state of things which, particularly in the present condition of Ireland, ought to be allowed to continue? Without the powers now sought the Government would be unable to put a stop to it, and therefore he hoped the House would read the Bill a second time.

MR. MAGUIRE said, that the hon. and learned Gentleman had defended the unpaid magistracy, the stipendiary magistrates, and the police—a proof that the ordinary law was sufficient for the repression of crime. Every Judge in every assize town concurred in stating that the country was unusually free from crime. Where then was the justification for the Bill? It was said certain things might happen next winter; but there was nothing in the present state of the country to render such occurrences probable. If the right hon. Gentleman and the hon. and learned Gentleman had been out of office, they would have opposed the Bill vehemently. [MR. DEASY: I supported the Bill of Lord Derby's Government.] He must contend that the facts cited by the right

hon. Gentleman (Mr. Cardwell) were proof that there was no necessity for the Bill. He said that the Ribbon conspiracy was dying out. If the police and magistrates were so efficient, why could not they put it down altogether? It had been suggested that the Bill should be accepted, if its operation were limited to the 1st of May next, but although he had no sympathy with crime or criminals, he would oppose the renewal of the Act for a single day. Whatever the intention of the Government, the Bill was a practical insult to the country. The opinions of the Judges cut the ground from under the feet of the Government. It was a lamentable comment on English Government in Ireland, that after sixty years of the Union, such a Bill as this should be necessary. Were a case made out he would vote for the Bill; but as it was, he considered it wholly unnecessary and mischievous. He did not believe that the magistrates and police had been rendered more efficient by this Bill; it was rather attributable to a rebuke by the Lord Chief Justice from the Bench. Because there were a few isolated crimes in Ireland, was the whole country to be stigmatized and scandalized in the eyes of Europe? Were there no crimes in this country? Look at the Road murder. Had not the police and the most intelligent persons been baffled in the discovery of the murderer? And yet who would propose that all England should be stigmatized on that account? The Bill was a piece of insulting irritating legislation; it had done no good, and was a disgrace to the Government.

SIR GEORGE BOWYER said, he did not agree with the right hon. and learned Attorney General for Ireland that a meeting of armed persons, threatening to the public peace, could not be prevented without the provisions of the present Bill. By the common law any meeting, especially a meeting of armed persons threatening to the public peace, was illegal, and the magistrates had the power to put a stop to such meeting. No exceptional laws were required for that purpose; the common law was sufficient to preserve the peace, except in cases of an extraordinary description. Now, did such cases exist in Ireland? The county of Louth, in which the borough he had the honour to represent (Dundalk) was situated, though it was perfectly tranquil and peaceable, was a proclaimed county, not, as was stated, on account of any particular crime, but of confederate societies. Now, he did not believe there were any

Ribbon Societies in Dundalk, and that was confirmed by the fact that of eleven men who had been arrested and tried there on the charge of being Ribbonmen every one of them was acquitted. Throughout Ireland no reason could be adduced for the continuance of this exceptional law. They were often told about tyrannical proceedings in foreign countries, and if they had heard that such a law existed, say in Italy, to what a great deal of declamation it would give rise! Hon. Gentlemen should look at home. He objected to the measure, because it was unnecessary, unjustifiable, and insulting; because it gave the people to understand that the Government did not trust them, and, in fact, treated them as criminals; and because the Government thereby stimulated the very crime they vainly attempted to extinguish.

MR. WHITESIDE said, he thought he should fail to act a manly part if he concealed his opinions on that question. He should support the Government in the course which they proposed. He agreed that exceptional laws were objectionable, and that the burden of proving their necessity lay on those who proposed them. But such proof might be furnished. The hon. Gentleman had referred to the county of Louth. In 1852, when he (Mr. Whiteside) was Solicitor General, and was on that circuit, he was waited on privately by a grand juror, who said, "My life is in danger; every hour of my life I am a miserable man. I have received notice that I am to be shot." This gentleman, in the management of an estate, had done something which offended the confederacy, and he received notice—they were courteous then—that he would be murdered. From the circumstances that transpired at the time, he (Mr. Whiteside) believed that it was not the grand juror whom it was intended to kill, but a relative of the present Under Secretary of the Colonies, than whom he did not believe a more amiable gentleman could be found, and there were several other gentlemen in Louth whom it was also intended to murder. It was necessary to institute a prosecution, and an opportunity was afforded. Three men came to murder a gentleman whom they did not know. The difficulty was not to kill the wrong man, because that would render it necessary to kill the right man afterwards, so they got hold of a railway labourer, who was at work near at hand. This man was well paid, well fed, and

clothed, and he was to point out the victim to the persons who were sent to kill him. The labourer did as he was requested, and the men dogged Mr. Eastwood's steps as he was going home at night, until, finding a favourable opportunity for their purpose they sprang upon him. But although armed they did not use their arms. The place in which they committed the deed was of a populous character, and they feared that if they had resorted to firearms disagreeable consequences might ensue to themselves; so they determined to stone him to death. As he lay upon the ground, however, one of the men plucked from his pocket his gold watch, and gave it to the railway labourer for the civility with which he had assisted their designs. The man concealed the watch in a feather bed; the police discovered the watch there, and arrested him. He disclosed all the facts of the case; the murderers were arrested, tried, convicted, and executed. During that trial the whole nature of the Ribbon confederacy was disclosed. The law was put in force; the county of Louth was proclaimed. The hon. Baronet was right in saying that crime had ceased in the county, but it ceased by reason of the vigorous enforcement of the law and by the application of the powers of this Act—an Act which every gentleman of every persuasion who had any property in the county wished to see enforced, if they desired to retain their property or their lives. He believed that no Government would ask for powers of this kind unless it were necessary. The prosecution of Ribbonmen at the last assizes had been adverted to. The Judge had tried the case fairly, and, although the men got off, that by no means proved that the confederacy did not exist. The hon. Gentleman had asked what would be said if there were such a law in Italy. There were strange laws in Italy, and, taking all in all, he should prefer to take the Parliament and system of England rather than all the advantages enjoyed in any part of Italy. With a free press and a free Parliament to point out grievances and rectify any evil, there was no danger of the abuse of such a law as the present. For a short time it might be necessary to pass such a Bill. He had refused for a long while to believe in the insurrectionary movement in the county of Cork; but what were the circumstances of that affair? A man sent to Lord Eglinton a long case and a letter, and inside the case was an improved model of the old Irish pike. The

writer said in the letter, "It is the only model I have," and using a well-known Irish term—"It is a needle you will find sharp and penetrating, and I recommend you to get a stock made, for they will be useful." Other persons swore that at night they had seen by the light of the moon bayonets glistening, men actually under arms, and had heard the word of command given. All that was proved at the trial. The men prosecuted were convicted, and the Judge pronounced a sentence of fourteen years' penal servitude, for he said, in passing sentence, "conspiracy struck at the root of government, and must be checked." It could not be said that the law of this country, particularly when it approached to treason, was enforced with severity. On the contrary, so safe was the monarchy in the hearts of the people that no offence was more leniently regarded. The hon. Member for Dungarvan was right in saying that there were many counties in Ireland in which scarcely any crime appeared to have been committed at the last assizes. Well, if the hon. Gentleman could show that the Government were about to apply the present Act to those counties he would vote against it. Something, however, must be trusted to the discretion of the Government. They must give to every Government the credit of believing that they would not pervert the law or act despotically; and, although he was opposed to the present Government, he did not believe they would act in such a manner—least of all did he believe that the law officers of the Crown would act otherwise than from a paramount sense of duty. That was a matter in which he disclaimed anything like party feeling. He was prepared to leave it to the judgment and discretion of the Irish Government whether the Bill ought to be renewed or not for a short time, feeling satisfied that they would use the powers intrusted to them with moderation and forbearance.

Mr. MONSELL held that it was a serious matter to apply exceptional legislation to one part of the United Kingdom. It was melancholy to think that, while England and Scotland was allowed to join in the Volunteer movement for the defence of the country, it should be considered necessary to prevent the people of Ireland from testifying their loyalty and patriotism in the same way. The Judges on circuit were unanimous in congratulating the country on the absence of agrarian outrage; and, in order to instance any cases of the kind,

the right hon. Gentleman opposite was driven to ransack the annals of the past. The only justification for the measure was the unfortunate religious contests which were prevalent in certain parts of Ireland; and he believed that these differences were attributable solely to the distinction which was drawn by the laws and institutions of the country between people of different religions. In the Colonies, where no such distinctions were established, Irish Protestants and Roman Catholics lived together in peace and harmony. If the Government believed that these religious disputes could only be suppressed by the continuation of this Act, he would not venture to oppose it; but he hoped that when the time came for the next renewal, there would not exits in the state of the country even a shadow of an excuse for it.

THE O'DONOGHUE said, that he found in the speech of the Attorney General for Ireland a confirmation of the prediction made at the time of the Union that no Irish Member would be admitted into the Government until he had ceased to have the feelings of an Irishman. It was admitted on all hands, that neither as regarded disaffection nor crime was there any ground for the measure; and it was only that ungenerous distrust of the people of Ireland which debarred them from being allowed to join in the Volunteer movement which animated the promoters of that measure. He wished to see political distinctions put aside, and that his fellow-countrymen should remember, above all, that they were Irishmen. He should not be induced to support the Bill, by the promise that the Party Emblems (Ireland) Bill should be carried against the Orangemen. He did not think any Gentleman would stand up and say he thought it was necessary for the security of property and life that this Bill should pass.

MR. VINCENT SCULLY opposed the Bill. If the measure was such an excellent Bill as it had been described, why was it not applied to England as well as to Ireland? He ventured to assert that the Attorney General for England would not propose its application to this country. The argument in support of the Bill was of the weakest character possible, and resolved itself into an Hibernianism, that because the sham fight referred to was not a real fight, therefore the Bill was necessary. The common law of the land and the police force in Ireland were sufficient to preserve the peace of that country. Westmeath had been

Mr. Monsell

under proclamation since 1848; but it had failed to accomplish its object, though the common law had been found sufficient for the preservation of the peace of that county; and the same applied to other counties in Ireland. The county of Tipperary, which was now peaceful and remarkably free from crime, with no trace of Ribbon conspiracies, and no Orangemen, was placed under proclamation in 1847, and had remained under it ever since. That, he maintained, was a gross abuse of the Act. Yet the hon. Member for Liskeard would, no doubt, vote for this Bill; because that hon. Gentleman would rather go wrong with the noble Lord the Foreign Secretary, than go right with him. No Irishman spoke in favour of this measure, except the Attorney General who was in, and the Attorney General who expected to be in. The proposal was supported by those who knew nothing of Ireland, and he would not say cared less. Hon. Gentlemen came from libraries, smoking-rooms, and cups of tea, to outvote the Irish Members. The House had two Coercion Bills before it; the one to put down the Ribbonmen, the other to put down the Orangemen. Let them have nothing to do with either Bill, but be all friends, and seek to suppress disorderly conduct by moral suasion, and the influence of a good example.

MR. BRADY observed that his own county was eminently tranquil. The Judge at the last assizes sat only half a day; and yet it had remained proclaimed during the last thirteen years. And so of Donegal and other counties. He was determined to oppose the Bill to the utmost of his power, not because it was brought in by the present Government, because it was totally uncalled for by the present circumstances of Ireland.

MR. LEFROY remarked that he should support the measure, not as a means of putting down one party or another, but as necessary for the preservation of the peace of Ireland.

MR. HENNESSY moved the adjournment of the debate.

VISCOUNT PALMERSTON said, he could hardly believe that the hon. Member was serious in making such a Motion, which was, in fact, seconded by an hon. Gentleman who had already spoken.

MR. BUTT said, he had actively opposed the Bill throughout, but he believed the hon. Gentleman (Mr. Hennessy) was doing the very worst thing he could in moving the adjournment.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 12; Noes 104: Majority 92.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 87; Noes 27: Majority 60.

Main Question put, and *agreed to*.

Bill read 2^o, and *committed for Monday next*.

PARTY EMBLEMS (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. CARDWELL said, he rose to move the second reading of this Bill, which had been introduced into the other House and passed with the concurrence of both parties there. The circumstances which led to the introduction of the Bill were so well known that it would be wholly needless to refer to them, even if it were not advisable to refrain from reviving feelings of animosity by a lengthened reference to them. The object of the Bill was to amend the existing law by prohibiting demonstrations calculated to provoke animosities between different classes of Her Majesty's subjects. The existing statute law prohibited processions; but it did not prohibit certain other public displays and manifestations, such as exhibiting flags of a party character, using emblems and symbols of a party character, playing music, singing songs, ringing bells to tunes of a party character. [*Cries of "Oh, oh!"*] Recent experience made it impossible to deny that even the ringing of bells might be made as effective for party purposes as any other display. The object of the Bill, then, was to put down all such manifestations having a tendency to provoke hostility between different classes of Her Majesty's subjects.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HENNESSY said, he would oppose that penal measure for the same reason that he had opposed the penal measure which the House had just disposed of. It was said that the main object of the Bill was to repress Orange demonstrations. He was no Orangeman, and had no connection with Orangemen; but he opposed the Bill because, according to the opinion of the Irish Judges, the law was already strong enough to put down party processions. Mr. O'Connell had no connection with Orange-

men, and yet he opposed the very Processions Act which it was the object of the Bill to amend. The House ought to proceed very cautiously when asked to put down party emblems. The Bill would make penal even the singing of party songs. The most despotic monarch in Europe would be deemed insane if he proposed a penal law to prevent the singing of party songs. Did the right hon. Gentleman think that he would be able to put down the playing of "St. Patrick's Day?" He should conclude by moving that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months.'

Question proposed, "That the word 'now,' stand part of the Question."

MR. LONGFIELD seconded the Amendment. He disclaimed all sympathy with the ridiculous displays of religious feeling which had led to the recent disturbances in Ireland, but he did not think that penal legislation ought to be resorted to against the persons who were guilty of them. The Bill was offensive to all classes of Her Majesty's subjects, and there was no use of going into Committee on it, for it could not be amended. Public opinion would be more effectual than penal laws in putting down party demonstrations and insults. Party spirit was, he rejoiced to say, dying out in Ireland, but so far from tending to allay that spirit, the Bill would foment irritation, and increase party animosity. It might be made a disgraceful instrument by which each party would annoy the other; it might be applied to temperance bands, and to the prevention of much innocent amusement; and he hoped it would be rejected by an overwhelming majority.

MR. DEASY said, the Government had been appealed to from both sides of the House to bring in some Bill for the purpose of extending the provisions of the Party Processions Act, in order to meet a state of things which had developed itself in the North of Ireland to an extent which called loudly for legislative interference. The measure had come down from the Lords, where it had met with general assent, and he hoped the House would at last agree to the second reading. The Party Processions Act, which was made perpetual in 1850, though it had had a useful effect, was not found sufficient. From the 1st to

the 12th of July Orange flags were hoisted and kept flying from all the large churches in the Orange districts in the North of Ireland. This display caused the greatest excitement, and was regarded as an insult by the Roman Catholic population. Many of the clergymen disapproved those displays, but were powerless to prevent them, when sanctioned by the churchwardens. Nothing certainly could be more derogatory to the Church than such exhibitions, which were discountenanced by all right-thinking people. There was no wish, whatever, on the part of Her Majesty's Government to do anything calculated to annoy the Protestant population. All they wished to do was to arm the authorities with power to prevent displays of an offensive character, which endangered the public peace, and were discredit to the country.

SIR WILLIAM VERNER said, if the right hon. Gentleman had confined the terms of his Bill to the prevention of party displays by hoisting flags on churches, beating drums in places of public resort, and similar practices, he should, at the request of influential gentlemen in the part of the country which he represented, have given it his support; but matter which he believed to be not only objectionable, but improper, having been introduced, he felt bound to vote against the measure. Several gentlemen with whom he usually acted and himself waited upon the Chief Secretary for Ireland, and endeavoured to induce him to withdraw those portions of the Bill to which they objected; but, as he had refused to do so, they were at perfect liberty to take any course they thought proper.

MR. EDWIN JAMES said, he trusted Her Majesty's Government would not press such a Bill as the one before the House. Had the question been one merely relating to the internal economy or social improvement of Ireland, he, as an English Member, should not have intruded himself in the debate; but when the House was asked to sanction a Bill which appeared to violate every principle of liberty, and placed such extravagant powers in the hands of magistrates and common constables, he felt bound to protest against a species of legislation for Ireland which Her Majesty's Government would not dare to propose either for England or Scotland. He wished to know who was responsible for a measure which suggested to any one who read it over that it had been drawn by an attorney's clerk. It not merely prohibited the

singing of certain songs, but persons were not even to sing "in a manner calculated to give offence." So that a person might be singing the most loyal song—"God save the Queen," or "Rule Britannia," for instance—and yet a constable might come up and object to the manner of the vocalist, and say, "You have been singing that through your nose," or, "You gave a curl of your lip, and I shall therefore seize you and your music too." As the Bill had been drawn by a lawyer, there ought to have been at the end a schedule of prohibited songs, and some kind of suggestion as to "the manner" with which those otherwise harmless might be sung. In this year of grace, 1860, any Government should blush to propose such a measure, and after the expression of feeling on the part of the House, it ought to be withdrawn.

MR. MALINS said, he most heartily coincided in the remarks of his hon. and learned Friend who had just sat down. He should feel degraded as an Englishman if such a law were passed for this portion of the United Kingdom, and he hoped Irish Members with a like feeling of indignation would reject the Bill. Power was to be given to the police to enter "any place," whether a man's private house or not, where a party flag or emblem was exhibited, and any opposition to its removal was to be a misdemeanour. In fact, the whole Bill was absurd. It came down from "another place," but no one would own its parentage, and, as it was opposed to all sense of justice, he hoped it would not be pressed further.

MR. COGAN said, he thought the Bill was very important, and should be fully discussed; but out of consideration to the Speaker, he should move that the debate be adjourned.

Motion made, and Question proposed, "That the debate be now adjourned."

LORD NAAS said, that it was inexpedient to postpone the discussion of this question; and though he thought this Bill went a great deal too far, yet he considered that after the discussion which had that evening taken place upon it, they could not have a better opportunity of coming to a vote upon the question than they had now.

LORD FERMOY observed that the Bill was worse and more mischievous than the Bill which went before it. He admitted that the display of banners on churches were breaches of good taste, but they were not illegal; and he thought it unfortunate

that Chief Justice Monaghan should, in his address to the Grand Jury at Fermanagh, have meddled with matters that were not illegal, and with which, therefore, he, as a Judge, had no concern. He held that the Bill would check that good feeling which it was admitted on all hands was growing up in the North of Ireland.

VISCOUNT PALMERSTON said, he feared that this was only one of many proofs of the inconsistency of the House. It was but the other day that there was a universal call upon his right hon. Friend the Secretary for Ireland to introduce some legislative enactment to prevent the party demonstrations that had produced such a lamentable result. His right hon. Friend did not volunteer in the matter, but it was in compliance with a call on both sides of the House that this Bill was proposed to Parliament. Now, the House, in consequence of the lateness of the hour, seemed indisposed to entertain it, and perhaps the best course would be to adjourn the debate. The matter, however, was one of great importance. Any one who read the newspapers must be aware that these party demonstrations were producing great local disorders in Ireland. The Bill might be susceptible of improvement in Committee, and his right hon. Friend was ready to consider any suggestions with a view to its improvement. If, however, the Bill was to be debated, they might go on till eight o'clock. He could not agree with the noble Lord (Lord Naas) that there would be no other opportunity of considering the Bill, for, as it seemed to be the intention of the House to sit far away into October, there would be ample time to give it full consideration. He trusted the House would agree to the adjournment of the debate.

MR. WHITESIDE said, that the Bill was a bad Bill, and would produce twenty times the confusion and animosity it was intended to put down. They were told the Bill came down from the House of Lords. Now, he respected the House of Lords when he agreed with the House of Lords. But he trusted that by rejecting this Bill they would not be doing the least disrespect to the other House.

MR. CARDWELL said, that the Bill aimed at putting down the mischief that prevailed in the North of Ireland from party demonstrations and the use of party banners, such as took place on the 12th of July at Derry. It was for the purpose of checking this evil in the bud that the Go-

vernment had responded to the appeal of both sides of the House by bringing in this Bill. He was astonished after what had passed in the House at the opposition which was offered to the Bill. As to "singing songs in a manner calculated to excite animosity," words on which hon. and learned Gentlemen made so merry—"No-body but an attorney's clerk," said one hon. and learned Gentleman, "could have introduced such ridiculous words into a Bill"—the identical words were in the Party Processions Act. On those who, after appealing to the Government to bring in a Bill, now joined together to oppose it, would rest the responsibility of any consequences which would ensue from its rejection.

MR. MAGUIRE said, he should support the Government on the general principle of the Bill, having been one of those who originally called on the Government to interfere. He had certainly expected to hear Protestant Members from the North of Ireland get up and promise that they would use their moral influence to put an end to these offensive demonstrations. In that case the Catholic Members would have said at once "Away with the Bill." At the same time he should support any attempt to make the Bill as little objectionable as possible.

MR. McCANN said, he was not one of those who had asked the Government to bring in this Bill, but he strongly felt its necessity; and he was surprised that any Roman Catholic Member should oppose it.

MR. M'MAHON also insisted on the necessity of the Bill to Roman Catholics in the North of Ireland.

CAPTAIN ARCHDALL said, the Orange commemorations which had been so much sneered at were supported till lately by the Government. He should oppose the Bill. He had no doubt that if the Orangemen of the North of Ireland thought the display of Orange flags from churches was universally offensive they would, to a great extent, desist from such displays.

MR. BRADY charged some hon. Members on the Opposition side of the House who now opposed the Bill with having only a few hours before expressed their intention to allow it to pass without discussion.

SIR GEORGE LEWIS suggested that as the debate had been continued on the general question, and not on the Motion for adjournment, that Motion had better be withdrawn, so that the House might divide at once on the second reading.

MR. CORRY said, he and some other

hon. Members would have willingly supported the Bill on the condition that certain alterations should be made in it, and he regretted that the Government had not consented to those alterations.

SIR GEORGE BOWYER characterized the Bill as a Coercion Bill for the North of Ireland. He wished to see the peace preserved, but he did not wish the Protestants to be coerced in the North any more than the Catholics in the South of Ireland. He thought that the common law was sufficient to prevent any action tending immediately to a breach of the peace, and that the Bill required more consideration.

MR. VINCENT SCULLY said, he objected to all Coercion Bills. He did not believe that the passing of the Bill would induce people in authority to enforce the law, and that the rejection of the Bill would be more likely to have that effect.

MR. COGAN said, he would withdraw his Amendment.

Motion, by leave, *withdrawn*.

LORD NAAS said, if the Government consented to withdraw from the Bill those sections which imposed penalties for hoisting flags on public places of worship and party drumming, he thought the House might safely agree to the second reading of this Bill.

MR. CARDWELL repeated that he was ready and willing when the Bill was in Committee to consider any amendments which might be proposed by hon. Members.

Question put, "That the word 'now,' stand part of the Question."

The House *divided*:—Ayes 62; Noes 29; Majority 33.

Main Question put, and *agreed to*.

Bill read 2^o, and *committed for Monday next*.

House adjourned at a Quarter-after
Three o'clock, to Monday next,

HOUSE OF LORDS,

Monday, August 13, 1860.

MINUTES.] PUBLIC BILLS.—2^a Refreshment Houses and Wine Licences (Ireland).

3^a Census (Scotland); Corrupt Practices Prevention Act (1854) Continuance.

Royal Assent.—Oxford University (No. 2); Herring Fisheries (Scotland); Tithe Commutation; Game Certificates, &c.; Senior Member of Council (India); Admiralty Jurisdiction (India); Superannuation Act (1859) Amendment;

Mr. Corry

Police and Towns Improvement (Scotland) Act Amendment; Labourers' Cottages (Scotland); Militia; Railways Act (Ireland) (1851) Amendment.

ROYAL NAVY—THE RESERVED LIST.

THE EARL OF SHREWSBURY said, that in moving for Correspondence, commencing November, 1859, between captains on the reserved list and the Board of Admiralty, he should trouble their Lordships with a few observations on a subject affecting the officers in Her Majesty's Navy to whom it referred—the captains on the reserved list. Those officers, it appeared to him, had been treated with a considerable degree of hardship, if not with something very near akin to bad faith. The case was a very short one, and rested on one or two orders that had emanated from the Admiralty. Previous to the year 1851 the promotions of officers in Her Majesty's Navy were conducted in this way:—First, there was promotion from the various lists by selection, and afterwards there was what was called brevet promotion. The latter generally took place when there was some national event of importance, such as the birth of a Prince. That course was found to be inconvenient, as burdening the active list too much, and making the flow of promotion difficult, if not impossible. In the year 1851 the reserved list was created. The officers put on that list were not to be called upon to serve the Crown except in cases of emergency; they were to advance one step in rank, and to receive the half-pay of the rank to which they were promoted. Previous to 1851, when an officer was put on the retired list with a captain's commission, there was a distinct bargain made with him that he was to remain on the superior list on which he was placed—that he was never to be moved from it, but should continue to receive the lowest rate of half-pay—10*s.* 6*d.* a day. However, by an Order in Council of the 25th June, 1851, it was directed that captains promoted to the rank of admiral and placed on the reserved list should receive the half-pay of rear-admiral, but be allowed the same advantages in respect of rising as if they remained on the active list. In the case of commanders put on the reserved list as captains, there was no stipulation that any were to remain at the lowest rate of half-pay, and therefore they considered that they had a right to advance on the list and receive the increased half-pay given to those nearer the top. There were three classes of those officers;

the first 70 captains on the list were entitled to 14s. 6d. a day; the next 100 to 12s. 6d.; and all below that to 10s. 6d. The great grievance of this last class of officers was that they were kept at 10s. 6d. By the change that they made in 1855 they only received an additional 6d. per day, because had they continued on the commanders' list they would have got 10s., and they now only received 10s. 6d., although they were placed on this list for meritorious service. Their Lordships were aware that a new scheme for retirement had been propounded. Those officers hoped they would be allowed to participate in the benefits of that scheme, according to which they would be allowed to retire from the active list at the age of 60 with an allowance of 18s. a day. It appeared that those officers who had allowed themselves so long ago as 1851 to be placed on the reserved list were now treated as if they were only commanders. The absurdity of this interpretation of the Order in Council was made sufficiently manifest by the fact that some were placed on the reserved list for not having served and others because they had served. A good deal of correspondence had passed between these officers and the Admiralty, by which Department all recognition of their claims had been refused. He would now leave the case in their Lordships' hands. In pleading the cause of these meritorious officers he was only advocating the claims of justice; and he trusted that some expression of opinion might emanate from their Lordships would induce the Admiralty not to persevere with a measure calculated to disgust the service. The pecuniary amount involved in this question was a mere bagatelle. These officers had been cajoled into allowing themselves to be put on this reserved list, and many of them would now be glad to get back to their former position. Indeed, several of them had applied to be reinstated as commanders. He hoped that the noble Duke, who would be the last person to wish to do an injustice, would not finally dispose of the claims of these officers in a hurry. If there had hitherto been any misunderstanding in this matter, let there be none in future, and if hereafter an officer went upon the reserved list, with a knowledge that he would only receive 10s. 6d. a day, he would have no right to complain. The noble Earl concluded by moving—

"That there be laid before the House Correspondence, since November, 1859, between Cap-

tains on Reserve List and the Board of Admiralty."

LORD CHELMSFORD said, he had been requested to assist his noble and gallant Friend in bringing the case of these officers before their Lordships, and he did not undertake the task until he had heard some of their personal statements, and had satisfied himself, on careful examination, of the justice of their claims. He was convinced that every one of their Lordships had an earnest desire that justice should be done to a deserving class of officers. He had no intention to cast any reflection upon the noble Duke at the head of the Admiralty, who, he was sure, had been uniformly actuated by an anxious wish to perform his duty with perfect fairness towards all branches of the service. He believed either that this case had never been properly brought before the noble Duke, or that his view of it was erroneous. The question depended upon certain regulations of the Admiralty, which were passed for the purpose of carrying out an Order in Council of the 25th of June, 1851, on the subject of promotion and retirement in the navy. Prior to that time, apart from promotion for distinguished services, there was a system of brevet promotion, which took place on occasions of public rejoicing, or periodically at intervals of four or five years. Under the head of "captains," there appeared the following regulation, which was intended to carry out the Order in Council to which he had referred:—

"While my Lords have to recommend the abandonment of the system of brevet promotion in future, they are, nevertheless, desirous of meeting the claims of old officers who have served long and well, and who seek their promotions rather as a reward for past services than in expectation of further employment. To meet those claims equitably, and, at the same time, not to fill the active list with officers who cannot long continue fit for service, their Lordships will promote by selection fifty commanders to the rank of captains."

By an Order in Council of January, 1856, this number of fifty was increased to one hundred. These officers believed that under this regulation they would be entitled to all the advantages which officers upon the active list enjoyed, with the exception of having a right to active employment. The right, however, was reserved in the Order in Council to employ these retired captains on the reserved list. They considered that they would be entitled to the gradual advance in pay and rank, and

all the advantages of the out-pension of Greenwich Hospital, and other privileges which that class enjoyed. The officers who were advanced to this rank, of course they became entitled immediately to the lowest scale of captain's half-pay, amounting to 10*s.* 6*d.* a day. The Admiralty, however, construed this regulation at the present moment, though not from the first, as entitling these officers merely to the 10*s.* 6*d.* a day for their lives, without any advance in rank or in pay, and without any of those concomitant advantages to which he had referred. There were parts of this Order in Council referring to other classes of promoted officers to which he requested particular attention. The next class, numbering 100, were, under the head of commanders, to be promoted to the rank of retired captains, and these were persons who agreed to take that rank on the understanding that they were not to advance in rank or pay, but to retire from the service on the increased rank given to them. The third class, under the head of commanders, were to be placed on reserved half-pay—namely, all commanders who had not served afloat or in the packet service within twenty years, or who were physically incapable of service. Now, they were not here dealing with officers selected in consequence of meritorious service, but with those who had not served for twenty years, or who were physically incapable of service. And what were the advantages they had? They were to be allowed to retain all the advantages they now enjoyed, of rising in pay and rank, and receiving the Greenwich out-pensions. Here, then, was the anomalous inconsistency of the construction put by the Board of Admiralty at present on this Order in Council with respect to the retired list of captains. They were to be advanced as a reward for meritorious services; the others because they had not served for twenty years afloat, or were physically incapable of service. They deprived those who were selected for promotion, as a reward of merit, of any advance in rank and pay, and all corresponding advantages of the out-pension of Greenwich Hospital, and gave all those advantages to the other class, not as the reward of merit, but merely as the consequence of physical incapacity to serve. The half-pay of commanders was 8*s.* 6*d.* a day; but the first 150, whether on the reserved or active list, had 10*s.* a day; so that these meritorious officers, had they continued commanders,

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would have risen to 10*s.* a day; nay, to be captains with increased pay, and to rear-admirals ultimately with 18*s.* a day. The reward for the service of these meritorious officers, therefore, was only 6*d.* a day for their lives without any advance. He asked whether it was possible to put fairly and justly such a construction on this Order in Council as the Admiralty of late years, and only of late years, had put upon it? But it appeared to him that by some regulations they had lately issued the Admiralty had almost given sentence against themselves. The *Navy List* was published by authority, and it was rather remarkable that from the time this Order in Council of 1851 was passed down to 1856 there was no class of half-pay for the reserve captains. At that time the Admiralty entertained the notion that they were entitled to all the advantages they now demanded, and three of them were actually given the outpension for Greenwich Hospital. In the year 1859 Captain Gordon, who was at the head of this reserved list, and who became entitled, as being within the first 170 on the list of captains, to the advanced pay of 12*s.* 6*d.* a day, applied for it to the Admiralty, and was told there was some recent regulation, or some opinion was entertained, under which he was not entitled to it, but that he must continue at 10*s.* 6*d.* a day for his life. Since 1856 there had been a class of reserved captains upon the half-pay list at 10*s.* 6*d.* a day, placed below the retired captains at 10*s.* 6*d.* a day; so that, in point of fact, these reserved captains, advanced for merit and long service, were placed by the Admiralty precisely in the situation of the retired captains on 10*s.* 6*d.* a day, which they had agreed to accept and retire from the service. It was important to observed the distinction that was made in the Commissions of reserve captains and captains on the retired list. The former were actually appointed to a ship with the addition of "for rank only;" and the latter were appointed not to a ship, but "to the rank of retired captain" only. He held that the case of these officers on the reserve list was almost irresistible, and it was quite impossible fairly and justly to put the construction upon this regulation for which of late years the Admiralty had contended. During the present year regulations had been published in the *Gazette*, according to which the retired pay of commanders who had been advanced to the list of captains, and who had served more than twenty years at sea, was to be

16s. 6d. a day; and to this there was a note—"Commanders who have been promoted to the reserved list of captains, under the Orders in Council of the 25th of June, 1851, and the 20th of January, 1856, will be entitled to increase of pay on the above scale, according to their length of service." If the Admiralty was right in treating these officers as they had done since 1856, as retired captains, only entitled to 10s. 6d. per day, on what principle did they now say that they were and should be entitled to an increase of pay according to length of service? Was this intended as a boon, or only as the tardy acknowledgment of a right, and if it was a boon, why was it so grudgingly given? According to the true construction of the regulations, these officers were entitled to advance from rank to rank, and from pay to pay, until they arrived at the rank of Rear Admiral, when, not having served for their flag, they would be put upon the reserved list of Admirals, and would be entitled to 18s. per day, to advance from rank to rank, and to receive the pay of their rank if they were called into active service. Was this retirement to be compulsory or voluntary? If it was proposed to give these officers the choice of retirement, let them at least have the benefit of the highest scale to which they were entitled; while if the retirement was compulsory it was only an addition to the injustice which had already been practised, because they were in fact to be replaced in the class of commanders, for the purpose of compelling them to retire upon the terms applicable to that class, and to that class alone. He had pleaded earnestly and anxiously for these officers, because he believed that their case was a good one. There was 100 of them, and the difference between 16s. 6d. and 18s. a day would only amount to twenty-six guineas a year for each of them. He hoped that so paltry a saving as that would not be allowed to stand in the way of the recognition of the just claims of a most deserving and meritorious class of officers.

THE DUKE OF SOMERSET said, he must claim the indulgence of their Lordships, because he came down to the House, knowing indeed that a question was to be put to him respecting the reserved list of captains, but not at all aware that the question was to be argued with all the legal ability with which the noble and learned Lord had just discussed it. There was, it was said, nothing so terrible on board ship as "a sea lawyer." His noble and

learned Friend had assumed that position, because he had argued this matter with all his legal ability and with all his attachment to his former profession—the navy. He could assure their Lordships that he was anxious in this, as in all other cases, to treat the navy with perfect good faith. It was not correct that what the noble and learned Lord complained of had been done by the present Board of Admiralty; he had done no more than follow in the course he found already laid down, and if he had followed any other line of conduct he should have been acting contrary to the decisions of previous Boards of Admiralty, and must have obtained a new Order in Council. The noble Earl (the Earl of Shrewsbury) had imputed to the Board of Admiralty that they had treated these officers with bad faith, and had construed the Order in Council as it had never before been construed. Neither of those imputations was well founded. Under the Order in Council of the 25th of June, 1851, which was passed when Sir Francis Baring was First Lord of the Admiralty, commanders on the reserved list were to be made captains. The object was to reduce the number of commanders on the active list, and that was to be attained first by placing on the redundant half-pay list commanders who had not served for twenty years, and allowing them to rise in rank and in pay; and, secondly, by selecting other officers for immediate increase of rank and pay, to whom, while giving that immediate increase, the plan offered no prospective advancement. The wording of the Order in Council did not point to any increase of rank; and it had been declared by Sir Francis Baring that it was not the intention of the Board of Admiralty of that day to grant to captains on the reserved list the advantages which they now sought for. In April, 1856, a commander applied to the Admiralty to know whether, if he consented to be placed on the reserved list, his half-pay would increase in the same ratio as officers on the active list—whether, in fact, if he went on the reserved list he should go on rising? The Admiralty in their reply distinctly stated that officers promoted to the reserved list were not entitled to any increase of half-pay. In November last a letter repeating the same inquiry was addressed to the Board, the only difference being that it proceeded from officers who had consented to be placed on the reserved list, while in the other case the officer prudently

wrote before accepting the offer, and finding that his half-pay was not to increase refused to allow his name to be transferred. The Admiralty in their reply stated that

“Removal to the reserve list carries with it increase in rank as well as increase in pay. The officers on the reserve list cannot, therefore, be placed in the same position as those on the active list.”

It was obvious that the moment the same advantages were given to the reserved as to the active list, officers might as well be kept on the active list for all practical purposes; the object of all schemes of retirement being by immediate payment of an increased sum, to attain eventual economy. But as it might fairly be considered that the word “reserved” did not carry with it the same meaning as “retired,” he had been willing to give to officers on the reserved list the advantage of any distinguished services which they might have had the opportunity of performing: to extend this boon, however, to the length of placing them in every respect on a footing with those on the active list would be positive injustice to the latter, over whom they had already obtained promotion and increase of pay. He contended that there had been no breach of faith on the part of the present Board of Admiralty with the excellent and meritorious officers whose requests they would gladly have complied with had it been possible justly to do so; but they had strictly followed the precedents established by former Boards. He would offer no objection to the Motion, on condition that it was made to include correspondence previous to 1859, so that their Lordships might have the whole case before them.

THE EARL OF HARDWICKE thought the noble Duke, if he had any professional feeling or knowledge of the matter would have dealt differently with it; but as it was he was compelled to treat it in accordance with the information of the Admiralty Office, instead of being guided by his own high sense of justice and independence of character. He did not think that the noble Duke had the slightest intention of doing an injustice; but, the fact was, that a class of officers who were placed on the reserved list by brevet promotion; (and their names written in *italics*, to show that they were placed there for rank and pay alone;) but were not eligible to be employed in the command of ships. When the Admiralty brought in that most unjust act of forcing a reserved list on the

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navy, they said that the abolition of the system of promotion by brevet, and the substitution of that described in the Order in Council, was intended as a reward for the past services of meritorious officers, and was to be equitably carried out. He was sorry to say that the conduct of all Boards of Admiralty in reference to these reserved lists had been nothing but a system of shuffling; and this arose probably from their having to deal with officers who were weak in Parliamentary power, and who had against them the desire which naturally existed in the House of Commons to save money. This accounted for the way in which the Admiralty dealt with officers whenever they thought that they could get a few shillings out of their pockets. Their Lordships could but little understand the feelings of officers, who, having entered the service with high hopes, were suddenly stopped in their career, and compelled to leave the service; but this was the condition of many officers. There was an order of the Admiralty, which went to this extent, that these officers should never be employed. He knew one particular officer on the reserved list who during the war with Russia was anxious to serve; and Sir Charles Napier having been told that, as he had a great and important duty to perform, he might choose his own officers, chose this particular officer for his captain. The Admiralty, however, refused to make the appointment; the only reason being that this officer was on the reserved list. Such a course of proceeding was not in accordance with the spirit of the Order in Council. He thought the conduct of the Admiralty amounted to an act of bad faith and treachery towards officers who had been compelled to go on to the reserved list. He did not think that any system of retirement could be conducted justly, except on these two grounds—that there should be a retirement for officers, who from age and infirmity were unable to perform their duties—and this should be a compulsory retirement; and a voluntary retirement (within certain limits) for officers who wished to do so. Every other system of retirement must be founded upon injustice. Take the case of the compulsory retirement of captains at the head of the list, because they had not served for six years. Why, the officers could not get employment, because the country had none for them; and for this they were visited with punishment. Suppose those at the head

of the profession wished to promote an officer, they could refuse to employ the officer who stood before him, and thus force those officers to the retired list. Another point he would suggest was, that it might be advisable for Parliament to advance a sum of money for the purchase of a certain number of commissions from officers annually who wished to retire, and who would prefer having money, instead of taking half-pay. He was sure that many officers would consider this arrangement a great boon, and that the country also would benefit by it.

THE EARL OF SHREWSBURY, in reply, said he only wished to get at the whole truth, and therefore he would assent to the Amendment suggested by the noble Duke.

Motion, as amended, *agreed to*.

REFRESHMENT HOUSES AND WINE LICENCES (IRELAND) BILL.

SECOND READING.

EARL GRANVILLE *moved* to Resolve,

"That, inasmuch, as the Money to be paid under the said Bill is a Grant of Supply, and the other Enactments of the Bill are only for providing certain Regulations which are necessary in connexion with the granting of the said Licences, the said Bill may be read a Second Time as a Bill of Supply."

Resolution *agreed to*.

Then the Order of the Day for the Second Reading, read.

Moved, That the Bill be now read 2^a.

LORD DENMAN *moved*, as an Amendment, that the Bill should be read a second time that day three months. The Bill, he said, was very imperfect, and would require a great deal of consideration. A Wine Licences Bill in 1660 had been opposed in the House of Lords, and more time had been given for its consideration. He earnestly implored their Lordships not to extend this Bill to Ireland, as the Bill for Scotland had been withdrawn, and petitions against it had been presented from Wales. He referred to an Irish Act, which gave the magistrates power to refuse licences on the grounds of distance from other houses, and read two clauses of that Act—one as to the powers of magistrates, and the other as to appointing inspectors of all houses licensed for the sale of liquor; and he hoped the Government would introduce a general measure for England, Ireland, and Scotland.

Amendment *moved*, to leave out ("now") and insert ("this Day Three Months").

THE EARL OF HARRINGTON said: My Lords, I pray you to bear with me for

a few moments, for this is a question, as I view it, so unpopular, except among the working classes, so unfashionable, too, that no one of note would undertake the discussion of it in this House. My Lords, I have ever been a friend of free trade, but I object to the police portions of this Bill, more especially to the increase of the public-houses, for it is a known statistical fact that the greater the number of public-houses the greater the drunkenness and the greater the number of crimes. My Lords, Mr. Gladstone has passed this Bill through the House of Commons as a measure calculated to promote sobriety—that is to say, a Bill that is intended to flood the country with wine to promote peace with France, that increases the public-houses by thousands, that does not diminish the consumption of spirits, and still less of beer; such a Bill is intended to soberize England and Ireland! My Lords, like Mr. Gladstone, and in his words, I have in past days occasionally "indulged in no illiberal potations of wine;" he for his health, I for my pleasure; but I never yet discovered that those "no illiberal potations" had a soberizing quality. Lest I should misrepresent Mr. Gladstone I will now quote his words:—

"I am not going to propose this to the House of Commons as a measure essential to lowering the wine-duties commercially considered. I wish that it should be tried, and stand or fall according to the conscientious judgment of Parliament upon the question whether it will not tend to promote *sobriety*."

Following the example as regards the Gin Bill of some of your Lordships' famous ancestors, I have opposed and protested against a similar Bill to this on a former occasion. Permit me, now, to recall to your Lordships' memories some of those great historical statesmen who distinguished themselves in the discussion of the Gin Bill in 1743. The temporal Lords were Chesterfield, Harvey, Lonsdale, and Talbot; the spiritual Lords were Oxford, Salisbury, Sarum, Canterbury, St. Asaph, London, Norwich, Gloucester and Bristol. My Lords, I entertain profound respect for the spiritual Lords of this House. I admire them for their charities, for their profound learning, and above all, for their sacred office, as the great heads of our Protestant Church. It is for these reasons that I have ventured to bring to their notice an example worthy to be followed, the conduct of some of their saintly predecessors. I do so the more readily because

it might be supposed either that the Bishops did not take the same interest in the Temperance movement that is taken by the working classes, or that they had been bit by Mr. Gladstone in considering this as a soberizing Bill, or from prudential motives that they did not agitate the question, regarding it in the light of a Money Bill. My Lords, this is a mixed Bill, partly fiscal and partly of a public character. It is, therefore, quite within the constitutional sphere of the Peers of this House, and especially it is the sacred duty of the Bishops to discuss the Bill, and to make such Amendments in the police portions of it as they may deem necessary. I speak with confidence, because I have the authority of Mr. Gladstone for what I state. These are his words:—

“If the House of Lords make any alterations in the police portions of the Measure, the House of Commons, though it would not accept the Bill so altered, as it was technically a revenue Bill, yet if it approved of the alteration, might send up to the Lords another Bill, embodying the Amendment.”

In contradiction to what I have stated, it may be said that this is a wine Bill, not a Gin Bill. Yes, it is far worse than the Gin Bill. The promoters of the Gin Bill did but get their wedge in. Now, Mr. Gladstone, with an iron will and an iron arm, has driven it home to free trade, or something nearly approaching free trade, and which, if not checked, must lead to it, and be a saturnalia of drunkenness. My Lords, we have the high authority of Mr. Gladstone that the measure is to lead to sobriety. Against his authority, I set that of a king of France. Up to the day of his fall, he was considered one of her greatest monarchs. Louis Phillipe said “he wished every vine in France was rooted up, except those devoted to the food of man.” I will now state a still higher authority, that of the greatest and wisest of mankind. Lord Bacon said, “Of all things known to mortals, nothing excites and influences the passions like wine. It is, indeed, the common fuel of them all.” Let me point out the relative strength of beer, of Mr. Gladstone’s wines, and of gin. Beer contains eight per cent of proof spirit. Mr. Gladstone’s light wine has 10 per cent of proof spirit; so it is stronger than our delicious Derbyshire ales. It is composed of the skins and stalks of grapes, of the sediments of the first brewing, mixed with a small portion of water, and trodden out by dirty feet. His strong wine is 40 per

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cent of proof spirit, just five times the strength of beer. Strong gin has 66 per cent of proof spirit, but as it is sold in the gin-palaces it contains not more than 50 per cent of proof spirit. It is, therefore, nearly on a par with the 40 per cent wine, which is a sort of gin in disguise. My Lords, I call these Gladstone wines, because no pure juice of the grape, when fermented, contains 40 per cent of proof spirit. Do not, my Lords, imagine that this Bill will diminish the consumption of spirits or beer. No! These are Mr. Gladstone’s words:—“I do not believe that the extended use of wine will act very powerfully in limiting or restraining the use of spirits; still less do I believe that it will act powerfully in limiting or restraining the use of beer.” Conceive, my Lords, if you can, the beneficial effects that would have been entailed on future generations if those illustrious statesmen and bishops whom I have named had succeeded in their opposition to the Gin Bill. Further reflect on the benefits that would have followed if the Free-traders had been thwarted in carrying the Beer Bill, with its 42,000 pot-houses. Then, judging from old experience, you may prophesy the results of this third curse. Permit me, my Lords, to give you a slight sketch of Frederick the Great’s mode of soberizing his motley legions. It was not on the Gladstonian principle, by increasing the consumption of light or of strong wines, or of light or strong schnapps—such, for example, as the “*crème d’amour*,” or “*mother gin*” that he soberized his soldiers; nor did he lead them into temptation by increasing the number of his public-houses, but rather delivered them from evil by his preventive justice and the rigour of his laws. By Frederick’s code, for every crime committed in a state of drunkenness the punishment was double. Thus for the highest of military crimes—cowardice—an officer would be sentenced to be beheaded; but for the same crime, if drunk, he would be sentenced to the ignominious punishment of being hung. Permit me, my Lords, to tell you what Mr. Gladstone has not told you—namely, how this Bill will, in no sham language, lead to sobriety. It will do so by leading to the poor-houses, the mad-houses, the ragged schools, the penitentiaries, the reformatories, the jails, the penal settlements, and finally to the galleys. Now, mark well, this is no clap-trap, that in all these places an absolute system of teetotalism is rigidly observed.

My Lords, there are two noble Lords in this House—namely, my Lord Llanover (an ex-minister) and the noble Duke of Argyll—who have shut up the public-houses on their estates. I understand that great benefit has arisen from this measure. I therefore ask the noble Duke why a measure which has proved so advantageous on his estate should not prove equally beneficial on every estate in the kingdom? My Lords, these two noble Lords are not the only Peers who have shut up the public-houses on their vast domains. Twenty other Peers have, I understand, done so likewise; and among the rest the Prince Consort, who represents Her Majesty the Queen in all Her virtues. Add to these that great minister, Lord Palmerston. My Lords, I see no reason why that which has been carried out by the Prince Consort and twenty Peers of this House with such marked success, should not be adopted in the towns by the people or the ratepayers in the way of a permissive Bill.

THE EARL OF DONOUGHMORE complained that the Government had made the present a Bill of Supply, with the purpose of compelling the House to pass it, or reject it as a whole. The two or three clauses which made it a Supply, might very well have been embodied in a separate measure, and then their Lordships could have made such alterations as they thought desirable in the other provisions, which were not of a fiscal nature. The measure was simply a police regulation; and there were no circumstances which required it to pass at this part of the Session, when the Standing Orders must be suspended for the purpose. In Ireland, there were no beerhouses, and, in consequence, no such machinery existed for the working of the Act as in England. In consequence of the Ribbon plots still planned in Ireland, it was necessary that public-houses in which these lodges met should be under the constant supervision of the magistrate; but one of the principal points in the present measure took away their control over wine-licensed houses. As he had no other plan of opposing such objectionable machinery as he complained of, he felt there was no resource open except to vote against the second reading.

EARL GRANVILLE really thought it would be unnecessary to reply to the arguments used by the noble Lord who had moved the rejection of this Bill, as they were exactly the same arguments as were used by his noble Friend on a former oc-

casion against the first Bill, and which their Lordships had refused to entertain. He trusted the Motion would be withdrawn.

THE MARQUESS OF WESTMEATH hoped the Government would pause before proceeding with a measure which disarranged the entire police arrangements on which the tranquillity of Ireland depended; more especially at a period when it was notorious that Ribbonism was rife throughout the country.

LORD MONTEAGLE felt it was impossible to exclude the sale of spirits from these refreshment-houses. He had no objection to the second reading, provided the Government allowed changes to be introduced in Committee, whereby the magistrates should retain the jurisdiction they at present possessed over public-houses. Should the Bill not receive the changes himself and other Lords wished, he would resist its progress at later stages; but the period at which the Session had arrived scarcely justified their expecting the Commons to pass another on the same subject, to which its rejection now must lead.

VISCOUNT DUNGANNON trusted his noble Friend would persevere in his Motion. This was a Bill of a very serious character when viewed in connection with the peculiar state of things in Ireland. Nine-tenths of the Ribbon conspiracies were hatched in public-houses, and, therefore, he looked upon the measure as one of the most dangerous ever laid on their Lordships' table; for it was impossible that the police could have an efficient superintendence over houses of this description. It was an unfair and unjustifiable proceeding on the part of the Government to force such a Bill on at the fag-end of the Session, and when there were very few Irish Peers in town.

THE EARL OF MAYO thought the Bill was very defective; but if the noble Earl (Earl Granville) would give a pledge to amend it in Committee, he should not be disposed to vote against the second reading.

THE EARL OF DERBY thought that Her Majesty's Government must have found out by this time that there was no noble Lord in the House connected with Ireland who did not view the provisions of the Bill with the most serious apprehension; and he trusted, therefore, that his noble Friend the President of the Council would not persevere in the attempt to pass the measure in its present shape. No doubt the effect of the rejection of the

Bill would be that this particular tax would not be levied in Ireland, but there were a great many clauses of the Bill which had nothing whatever to do with fiscal matters—in fact, there was one clause among the police clauses which had no reference whatever to the subject matter of the Bill,—and it would be most unfortunate if, because there was one clause in a Bill referring to fiscal matters, their Lordships should, therefore, be debarred from considering the other parts of the Bill which had reference to subjects on which their Lordships ought to have coordinate authority with the other House. Nothing was more common, when a Bill of this sort had been altered by their Lordships, than to drop that particular Bill altogether and introduce a new Bill containing those enactments only on which both Houses were agreed. That had been done over and over again, and, unless some course of the sort were adopted, it would be obviously impossible, in a great many instances, for their Lordships to exercise any discretion in matters which had no connection with finance. If he understood from the noble Earl opposite that by consenting to the second reading they would not be precluded from submitting Amendments in Committee, even though at the risk of the Bill being dropped and a new one brought in, he had no hesitation in saying that he should be quite ready to support the second reading with a view of giving to those noble Lords most conversant with the subject an opportunity of stating their views and proposing their Amendments; but, on the other hand, if his noble Friend thought the position of matters to be such that no alteration whatever could be made in the Bill, and no understanding come to between the two Houses, but that their Lordships must either take the Bill as it stood or reject it altogether, then, though very unwillingly, he should be obliged to support the Amendment. He asked the noble Earl opposite whether he considered that their Lordships were at liberty to exercise a judgment upon this Bill in reference to moving Amendments, not of a financial character, but such as were purely technical as regarded the police. He should certainly vote with reluctance against the second reading of the Bill; but he hoped, at all events, that they would not be tied down by a declaration of the Government that no alterations whatever could be made by their Lordships in the measure.

The Earl of Derby

EARL GRANVILLE was not prepared to say that this was a Bill which their Lordships could not amend, if they thought fit. He did not think that it would be at variance with practice, or unconstitutional, for their Lordships to amend any parts of the Bill, which did not relate to financial matters. He could not, however, pledge the Government as to any particular course in the event of such amendments being adopted. At the same time, as their Lordships knew, it was the practice of the House of Commons to reject Amendments in a Bill of Supply. The Bill had been well considered in the other House, and all the objections he had heard stated tonight were objections to its principle, and not to its details. He should regret, therefore, if their Lordships should deem it their duty to introduce Amendments, though he could not pretend to say that it would be contrary to their usual practice to do so, as far, at all events, as police regulations were concerned.

THE EARL OF DERBY said, that after the answer of the noble Earl, and as they would have an opportunity of considering the details of the Bill hereafter, he thought the House should not be inconvenienced by a division on the present stage. He thought it would be an ungracious course for the noble Lord to persevere in his Amendment.

LORD DENMAN said, he was extremely sorry he could not acquiesce in the suggestion of the noble Earl, as he felt himself compelled to divide their Lordships upon his Amendment.

On Question, That ("now") stand part of the Motion?—their Lordships divided:—Contents 27; Not-Contents 5: Majority 22.

Resolved in the Affirmative.

Bill read 2^a accordingly; and committed to a Committee of the Whole House on Friday next.

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENTS BILL.

RESOLUTION OF URGENCY.

THE DUKE OF ARGYLL, moved to Resolve,

"That, inasmuch, as the Postponement of this Bill will withhold a Power of effecting a considerable annual Saving which may be made under its Provisions, and will thus practically continue for a Time an unnecessary Liability on the Public, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary.

The noble Duke said, that when he undertook the charge of the Bill he had no idea that it was to be opposed, and still less that it was to be opposed by his noble Friend (Lord Monteaale) on the cross benches. He could not help thinking that there was some misconception as to the object of the Bill. It was quite true that several matters connected with savings banks had been matters of keen controversy in the other House of Parliament; but this Bill had nothing whatever to do with those matters. The most strenuous opponents of this Bill when it was first introduced were now strongly of opinion that the measure should pass in its present form. The facts were shortly these. The public were under an obligation to pay to the trustees of savings banks interest at $3\frac{1}{4}$ per cent, and, at the same time, they were bound to invest this fund in certain public securities, provided only they were part of the National Debt of the country. The result was that the interest due from them was much less than they received. Consequently there was an annual loss to the public, which they were certainly not compelled to pay every year, but which was, nevertheless, continually on the increase. At the present moment the amount of deficit was £3,000,000 beyond the amount provided for by the Act of Parliament. The object of the present Bill was simply to allow the trustees to invest these funds in other securities, and thus enable them to obtain a larger amount of interest. There was another question as to the power which the Chancellor of the Exchequer had for financial purposes over this fund. It had been said in former times that this financial power had been exercised in a way which was convenient to the Government of the day. But this Bill did not in any way increase or diminish the power of the Chancellor of the Exchequer to deal with these funds for financial purposes.

LORD MONTEAGLE said, that he felt it necessary to bring shortly under their Lordships' notice the real question which was at issue in regard to this Bill. That question was of the first importance. The Chancellor of the Exchequer could now at his discretion go into the Stock market and purchase or sell particular security, according as it suited his financial views to raise or lower the value of that security, and for effecting this purpose he had the disposal of £40,000,000; thus possessing a power over the public securities far

exceeding that of any individual or any confederacy of individuals. All this, which had hitherto been a surmise or a suggestion, was now matter of proof and of Parliamentary record; for a Committee had lately been sitting under the able and trustworthy presidency of Mr. Sotherton Estcourt, before whom all that he (Lord Monteaale) had in former times asserted had been fully proved. A Bill had been introduced professing to be founded on the report of that Committee; but it had failed to satisfy the expectations of Parliament or to meet the exigency of the case. Though it proposed to withdraw £30,000,000 from the control of the Chancellor of the Exchequer, it still left him £10,000,000 with which to operate on the money market. This Bill had been withdrawn. The present Bill of two clauses was produced as the only record of the proceedings of the Select Committee and of the other House in this matter. It was inadequate and incomplete. He maintained that there could be no urgency for such a measure. Where an evil was admitted there was nothing more imprudent or more unbecoming than for Parliament to pass a Bill which affecting to reform a grievance did not go to the root of the evil, and provide an adequate remedy. This measure contained no remedy at all, and yet it might hereafter be used as an argument against the adoption of a larger and more satisfactory Bill. He objected to the power given to invest deposits in many different securities. Safety was sacrificed, for the chances of a higher rate of interest. Whether in regard to savings banks, private banks, or the Bank of England, immediate convertibility was the principle which ought to be adhered to, a diminution of convertibility for the sake of a better interest was a danger which no trustee ought to incur. In conclusion, he maintained that there was no justification for a departure from their Lordships' Standing Order in favour of this measure, and permitting it to be read a second time at the very close of the session.

LORD REDESDALE said, he had previously expressed his disapprobation of the Bill, and it was viewed with surprise by some of the most important savings banks in the kingdom, and he had a letter from one of the largest and most important of them in St. Martin's Place, in which they said they had considered the subject, and that they disapproved of the Bill. It was true that the Committee on the Savings Banks

did not object to the extending the limit of the security on which the money should be invested, but they disliked it so long as the funds remained in the hands they were in at present. There was a suspicion with respect to savings banks that the subject did require great caution on the part of Parliament, circumstances having occurred in connection with them that had created excitement throughout the country, and which did not render the proposed extension desirable. The advantage to be gained was small, and hardly to the interest of the savings banks. The gentleman who wrote from the St. Martin's savings bank said the Chancellor of the Exchequer's hands had been tied up since 1858, and they had better not be relaxed by passing this Bill, as it would give sanction to transactions in this £40,000,000 in the market, seeing that funds were wanted for India and for fortification purposes. Any advantage to be derived was far less than the danger. There was a feeling that in the hands of the Chancellor of the Exchequer about £3,000,000 of money in the savings banks had disappeared by jobbing and transfer, and this came out in Committee; and as the Bill only took up a small portion of the general legislation required on the subject, and as there was no urgency in the matter, he should oppose the Resolution.

EARL GRANVILLE was understood to say he did not see the validity of the objection to the measure or that the investments in the proposed securities were objectionable. The general objections to the Bill were very weak. It was confessed that general legislation was required, but it was said that passing a Bill dealing only with a small portion of the legislation required might be urged as an objection to entering into the consideration of the entire subject at a future opportunity. The Bill could do no possible harm by extending the investments to certain securities guaranteed by Parliament, such as the Turkish Loan, the Canada, Jamaica, and other West Indian Loans. Why their Lordships should deny the public the advantage he could not at all understand. With regard to the question of urgency, it was surely enough to say that the Bill would save the public money.

LORD MONTEAGLE observed that the Bill would have the effect of extending the agency in buying and dealing on the Stock Exchange on the part of Her Majesty's Government, thereby giving a sanction to

Lord Redesdale

a practice which was condemned and deserved condemnation; and the small saving that might by possibility be effected would be a most incomplete and insufficient return for the sacrifice made in sanctioning a bad system.

On Question, their Lordships *divided*:—Contents 18; Not-Contents 18.

The Numbers being equal it was (according to ancient rule) *resolved* in the *negative*.

CONTENTS.

Campbell, L. (<i>L. Chancellor.</i>)	Sydney, V. Torrington, V.
Somerset, D.	Camoy's, L. [<i>Teller.</i>]
Ailesbury, M.	Cranworth, L. De Tabley, L. Foley, L. [<i>Teller.</i>]
Chichester, E.	Harris, L.
De Grey, E.	Ponsenby, L. (<i>E. Bessborough.</i>)
Ducie, E.	Sundridge, L. (<i>D. Argyll.</i>)
Granville, E.	Wodehouse, L.
Spencer, E.	

NOT-CONTENTS.

Normanby, M.	Dungannon, V.
Salisbury, M.	Hutchinson, V. (<i>E. Donoughmore.</i>)
Westmeath, M.	
Amherst, E.	Blayney, L.
Derby, E.	Chelmsford, L.
Desart, E.	Denman, L.
Hardwicke, E.	Monteagle of Brandon, L. [<i>Teller.</i>]
Mayo, E.	Redesdale, L.
Orkney, E.	Wynford, L.
Romney, E.	

The Order of the Day for the Second Reading of the Bill read, and *discharged*.

House adjourned at Nine o'clock,
till To-morrow, a Quarter
before Five o'clock.

HOUSE OF COMMONS,

Monday, August 13, 1860.

MINUTES.]—NEW MEMBER SWORN.—For Sligo Borough, Francis Macdonogh, esquire.
PUBLIC BILLS.—2° Customs (No. 2); Defence of the Realm; Law and Equity.
3° Spirits.

THE INDIAN ARMY—QUESTION.

SIR DE LACY EVANS asked, Whether the Secretary for India would have any objection to communicate to the House the names of the Commissioners appointed to consider the question of the amalgamation of the local force in India with the Queen's

troops, and also the letter of instruction furnished to the Commission on that subject?

SIR CHARLES WOOD said, it would perhaps be satisfactory that he should state at once the names of the officers composing the Commission which had been appointed to consider the various details connected with the amalgamation. In conversation with a distinguished Indian officer it had been suggested to him that it was far better that a mixed commission of officers should meet for the purpose of considering these details. He was fortunate enough to obtain the services of his noble Friend (Lord Hotham) to preside over the Commission, and the officers who composed it were Sir Charles Yorke, General Clarke, of the Madras army, Brigadier-General Russell, who served in India (not my hon. Friend who is a Member of the House) Colonel Wetherall, Colonel Melville, Adjutant-General of the Bombay Army, and Colonel Norman, Deputy Adjutant-General of the Bengal Army. These officers were working satisfactorily together, and great benefit would, no doubt, arise from their united consideration. With regard to the minute of instructions he thought there would be no advantage in laying it on the table. It was intended that the committee should inquire into the various questions which would arise, paying due regard to the just claims of Indian officers, and providing at the same time that the arrangement should be carried out as economically as possible.

INDIAN BUDGET—EAST INDIA LOAN. COMMITTEE.

Order for Committee read.

House in Committee.

SIR CHARLES WOOD said: A year ago, or thereabouts, it was my duty to lay before a Committee of this House the best estimate which I could then give of the Indian revenue and expenditure. Since then two events have happened which materially affect the statement which I shall have to make to-night. One is that a gentleman whom we all know, Mr. Wilson, has proceeded to India to aid with his financial knowledge and experience the Indian Government in their measures of fiscal administration, and in the endeavour to bring the finances of India into a sounder position. The other event is that the Indian Government, aided, no doubt, by Mr. Wilson's experience, have proposed, and by this time, I have no doubt, have carried

into law the most important financial measures which have for some time been brought forward in India. The statements which Mr. Wilson has made, very much like those of the Chancellor of the Exchequer in this country, and which are among the papers printed for the use of the House, are so clear and full that I might almost dispense with any but a very short summary of them. On the other hand, the proposals of the Supreme Government have excited great criticism and great opposition, and have led to a controversial correspondence with the other Governments in India. The diversity of opinion and of statement is so great that it is not very easy to unravel the web, and it would be still more difficult to put the whole controversy before the Committee. It is not necessary, however, to do so; and I hope I shall be able to state the results, and to make them clear in no very great compass. The correspondence on the table is almost entirely that which arose between the Government of India and the Government of Madras in reference to these measures. They were laid on the table in connection not only with the proposed financial measures, but with the recall of Sir Charles Trevelyan. Upon that subject I hope it is utterly unnecessary to say a single syllable. In the whole course of my public life I never had so painful a duty to perform, and I regret exceedingly that necessity, for I believe it has deprived the Presidency of Madras of the benefit of services which would have been invaluable. I had the pleasure of seeing Sir Charles Trevelyan this morning, and he promised to give me every information and assistance in reference to the Government of Madras; and I should not be doing justice to him or to myself if I did not take the earliest opportunity of expressing my grateful sense of that assurance. In addition to the correspondence on the table, there is a letter from the Government of Bombay—a Minute of Lord Elphinstone's—and an answer from the Government of India. The papers would, I think, have been incomplete without those two documents, and, in fact, they were almost necessarily included, as they are referred to in the Minute of the Madras Government. Here, again, I cannot help saying what a loss to India and to this country has been the death of Lord Elphinstone. No man had greater experience of Indian administration, under ordinary circumstances, and when the late mutiny called for more energetic action, in no

respect was he wanting to the emergency. I can only say that his is a loss which this country, equally with India, must greatly deplore. Having paid this tribute to his memory, I will only say that in addition to this voluminous correspondence there are the ordinary finance accounts of India, with an explanatory despatch; and beyond that there is a paper which is still more material than any—a comparative account of revenue and expenditure for the last five years. There are some differences between the finance accounts and the figures contained in that paper, but the comparative account is compiled from more recent information, and contains some items which are not in the other accounts. Before, however, I go to the expenditure and income of the year, I wish to refer to the deficits of the last two years. I have been sometimes accused of taking too gloomy a view of Indian finance. I can only say my sole object has been to present to the House and the country the most faithful accounts in my power to produce. I stated last August what I estimated the deficit of the years ending April, 1859, and April, 1860, would be. I was wrong, no doubt, both as to revenue and expenditure. The revenue has been larger and the expenditure has been larger than I anticipated, but the two have so far kept pace together that the deficit is as nearly as may be what I stated. I estimated the deficit of 1859 at £14,707,000, whereas it was only £14,187,000. For the year ending April, 1860, I put the deficit at £9,281,000, while it was actually £9,981,000. Payments are sometimes thrown from one year to another, which prevents a perfectly accurate estimate; but while my estimate of the deficits for the two years was £23,988,000, the actual amount was £24,168,000, there being only a difference of about £180,000. The close agreement is, of course, to some extent accidental, but I think I may take credit for having formed no inaccurate estimate, and for not having exaggerated the unpromising state of affairs. I now come to the present year. The expenditure in 1859-60 was £45,890,000, and the income £37,796,000, leaving a deficit of £8,094,000. To that is to be added the guaranteed interest upon railroads which amounted to £887,000, making a total deficit of £8,981,000. The expenditure for the year 1860-1 is estimated at £43,958,000 and the income at £37,762,000, leaving a deficit of £6,196,000, to which is to be added the

guaranteed interest upon railroads, which has this year increased by £400,000, and amounts to £1,276,000, thus increasing the total deficit to £7,472,000. It seems to me that the mere statement of these figures is enough to dispose of the controversy which has been carried on in India and completely overthrown the opinion of the Government of Madras, and of that of Bombay, that is, that the whole deficit might be made good by a reduction of military expenditure. When I show the Committee that the deficit is £7,400,000, it can be conceived how difficult it would be to get rid of such an amount by a reduction in the military expenditure to that extent within the year. The military expenditure for the year is estimated at £15,276,000, and deducting from that amount the supposed deficit, there would remain in round numbers £8,000,000, which sum would be £3,000,000 below what the military expenditure was in the year before the mutiny. No one can be sanguine enough to expect that our military expenditure can be reduced as low as it was before that mutiny, now that a large additional European force must inevitably be maintained under the altered circumstances of India. In the Estimates upon the table the proposed reduction in the military expenditure is about £2,600,000, and if we were to add to that the amount of the deficit a reduction of no less than £10,000,000 must be made in the military expenditure at the end of this year. Will any one maintain that that will be possible? That Estimate is made by the Government of India, not upon any hypothetical notion of their own, because they had received the actual estimates of reductions from the Governments of Madras and Bombay. The reduction proposed by the Government of Bombay is £655,000, by Madras £591,000, while reductions by the Government of Bengal swell the total amount to £2,600,000. This question of what reductions in the military expense can be expected is not a question upon which we are without experience, as attempts were made last year to make reductions, and the greatest pressure was employed to enforce them. The Government of Madras however, last year reduced its expenditure by only £330,000, but that of Bombay was actually increased by £197,000. There was a larger reduction in Bengal, where, of course, it was more natural to expect it. In the last and the present

years there will be a total reduction of military expenditure of £6,000,000—namely, £3,400,000 in 1859-60, and £2,600,000 in 1860-1; and I am not sanguine enough to think that reduction can be carried much further within the year. That is the state of affairs for the present year, but we must, of course, look beyond and see what are our prospects of reductions in future years. I have always taken the year 1856-7 as a pattern year. It was the year immediately preceding the mutiny, when there were no additional expenses, and when the income and expenditure in India were about equal. Starting from that year I find that the military expenditure has increased by £3,785,000. For local corps there is besides an increased sum of £333,000, and for transport £141,000. Then there is an increased home charge for payment in this country, on account of troops £1,195,000—making a total of £5,454,000. But in looking at this question we must include the police, which has necessarily been increased to a considerable extent. Since 1856-57 the increase in the police has amounted to £1,024,000, so that taking military and police together the increase has amounted to £6,478,000. Then there has been an increase of expense for barracks during the last four or five years. It is not necessary in regard to Native troops to have this kind of accommodation, as they provide for themselves after their own fashion, but in the case of European troops it is not reasonable or fair that we should send them to India without providing for them such barracks as are necessary for their health. It has been thought right, too, to construct the barracks in such a way as to make them capable of defence—to make them fortified posts to which in cases of emergency the women and children, and invalids, might retire. This naturally entails considerable expense, though it is an expense that cannot last more than a year or two. But though this expense has increased from £374,000 in 1856-57 to £1,827,000 in 1859-60, there has at the same time been an almost perfect stoppage of expense on account of civil public works and buildings, and, therefore, though I anticipate a considerable reduction in regard to military buildings in the course of the next year or two, I do not expect any reduction whatever in the total expenditure for public works. There has been, as I have stated, a great increase of expense in military buildings

that will be stopped in the course of next year, but the saving thereby effected will be counterbalanced by the increase that will take place in civil public works of various kinds which are most urgently required in all parts of India. There will be a transfer from the military to the civil expenditure, but the charge on the Indian revenue will not be diminished. There has been since 1856-57 an increase in the cost of collection of £476,566; civil and political establishments, £508,361; judicial establishments, £163,625; public works, £452,732; miscellaneous, £124,573—making a total of £1,725,857. There is another item of increased expense—the interest on the debt. Before the mutiny took place the debt was £59,442,000, and the interest £2,525,000. In 1859-60 the debt is £97,851,000, and the interest is £4,461,000, being an increased charge for interest of £1,936,000. Beyond that there is an increased charge for what is called guaranteed interest on railways. In 1856-57 the amount of guaranteed interest was £404,000; 1857-58, £526,000; 1858-59, £606,000; 1859-60, 887,000; 1860, £1,276,000; being an increase of £872,000. The sum total of all these increased charges since 1856-57 is military, £5,454,000; police, £1,024,000; civil, including buildings, £1,725,800; interest on debt £1,986,000, out of interest guaranteed to railways, £872,000—making a total increase of £11,011,800. The revenue has increased—partly from the old sources and partly from additional taxes, to the extent of £4,400,000. A large portion of the arrears due subsequent to the mutiny has been paid up, but I do not anticipate more receipts from that source; and, after as fair and impartial an estimate as we can make of the entire revenue and of the expenditure, the result arrived at is that we shall have a deficiency for 1861-62 of about £6,611,000. Then comes the question how is that to be met? Are we to borrow? I think not. I am of opinion that to leave the Indian Government the power of borrowing, as has been the practice on open loans, would hold out the greatest temptation that can possibly be offered to a wasteful expenditure. It has always been found to be so, and therefore it is the last step that ought to be taken if it is wished to promote economy. This House has resolved, very wisely as I think, not to guarantee the payment of any part of the Indian debt, but to throw the Government of India entirely upon its own

resources. That being so, and when they are made to feel that they are themselves responsible for every shilling of their expenditure, they will find in it an inducement to economize in their outlay as far as possible. I am satisfied that these two considerations—the knowledge that they have not the power to borrow, and that they are responsible for their own expenditure—will go very far to render the Indian Government cautious of imposing any unnecessary charge on the revenue of India, and to produce the most rigid economy. Then, if we are not to borrow, there is no other resource but to impose additional taxation. I have explained to the House that I am speaking of that which I believe is possible for the next three or four years; and I must repeat my conviction, after careful examination of the whole case, that it is impossible to effect any such reductions of expenditure as would meet the deficiency of the revenue. We must, then, have recourse to taxation, and the question is, what ought that taxation to be? On this point the most various opinions have been pronounced. Just to take one instance, we have been often told how foolish it was to look upon the revenue from opium as an uncertain revenue, and that we were entitled to reckon it as a perfectly certain source of revenue. That assertion, however, made last year, has this very year received a signal contradiction, for the Government has been obliged to increase the price paid for opium. They anticipate a reduction of the receipts from that source of £300,000 and an increased charge of £275,000, so that the amount of revenue received from opium will be £575,000 less than last year. I think we ought not to rely on such a source of income. A good deal has been said about Mr. Wilson visiting India with English notions, and about his having started a scheme of taxation that no one in India ever heard of before. If hon. Members will look to the papers, they will find that this question of raising a further income in India was under discussion for about a year before Mr. Wilson's arrival. The first of the papers on the table of the House will show that the whole question of the system of taxation necessary to supply the deficit was discussed during the whole spring and summer of 1859, and that a Bill was introduced into the Legislative Council for a licence tax, which was more or less of an income tax, in the summer of 1859. During the whole of this discussion an income-tax in some form or other was

more or less contemplated, and the opinion of the Madras Government upon that subject is given. It will be found also, by reference to the papers, that although the Government of Madras objected to any additional taxation at all, yet Sir Charles Trevelyan said that if the time ever came for the imposition of such additional taxation, an income tax, and not a licence tax, would be the best method of raising the revenue. As soon as Mr. Wilson arrived in India he went up the country to join Lord Canning, and with his full concurrence and approbation it was determined that the new taxation should be that which has been proposed—an income tax, with the addition of a duty on licences to trade, and a duty in some shape on tobacco. This was not done without communication with the officers of the Government in the various Presidencies; and, with the fullest concurrence on the part of the other Members of the Government in India, with the approbation of the Governor General. After the fullest consideration and discussion, the Bills were put substantially into the shape in which they now stand. I am not aware that any other course was open to the Government than that which I have described. I attach great weight to the opinion of Sir Bartle Frere. He was not an officer of the Bengal Government. He came from Scinde and Bombay to Calcutta with the conviction that additional taxation was not necessary in India, and that by a reduction of expenditure the Indian deficit might be met. Sir Bartle Frere was, however, unprepared for the state of things that he found at Calcutta, and, unwilling as he was to admit that reductions could not be made, and that taxation was necessary, he was compelled to admit that no other alternative than the levying of new taxes was open to the Government. Sir Bartle Frere said—

“I therefore assented to Mr. Wilson's schemes not as free from difficulty and danger, but as less open to objection on that score, and far more complete and effectual for their purpose, than any which had been offered. I believe that I rate the risks much higher than he does; but I am convinced that the risks are as nothing compared with the certain ruin of drifting into bankruptcy, or remaining as we are.”

He also stated that the notion that the taxes proposed were alien to former practice in India, was unfounded. He stated, on the contrary, that taxes of the same character, but not so fair in their incidence,

Sir Charles Wood

had been constantly imposed and paid in India. In another Minute Sir Bartle Frere said :—

“No notice has been taken of the fact, that during the present discussion no scheme of fresh taxation has hitherto been propounded by any one, Native or European, which would bear a moment's examination, which has not included some form of direct taxation, all more or less partial, inadequate to our wants, or otherwise more objectionable than that selected by Mr. Wilson ; but all direct taxes, and generally, in some form more or less cumbersome, taxes on incomes—such taxes, in fact, being from the earliest times component parts of all Native schemes of finance. It seems to be forgotten that up to 1834-6 taxes on incomes, trades, and professions were levied almost universally throughout British India, under various names, and that they were then abolished in parts of Bengal and throughout the North-Western Provinces and Bombay, not because they were in theory bad taxes, but because they were so unfairly assessed and unequally levied, that it was difficult to reform them in their then existing shape.”

The Indian authorities felt that, much as some persons objected to the income and licensing tax, no one had proposed a scheme of taxation at all adequate to the necessities of the case, or which would not have left us drifting into bankruptcy. That being so, they took the greatest pains to gather information from the greatest number of persons; and after giving the subject the fullest consideration, the Government of India, without a dissenting voice, determined on adopting the system of taxation of which I am now speaking. I confess I thought the low point at which the income tax began, a great objection to the scheme. Mr. Wilson, however, informs me that in India no complaint was made on that score, and that a person in the receipt of an income of 200 rupees, was very much in the same position as a person having £100 a year in this country. It was also felt that if the limit were raised, the tax would be altogether unproductive. It was thought by some that it pressed rather hardly upon the smaller landholders; but, with the alterations and amendments adopted since its introduction, the Indian Government consider that it will not press hardly at all upon leaseholders for twenty or thirty years, whom they wished to see pretty well exempted from the tax. In the Presidency of Madras there are 1,518,187 landholders, only 1,800 of whom would pay the tax, if assessed at half the amount of the rent paid. So that, out of the 1,518,187 holdings in that Presidency, not less than 1,516,387 persons would be exempt from payment, if assessed at one-half the rent. It is now proposed that the tax shall be

levied on one-third, instead of one-half the rent; which, in the Presidency of Madras, will reduce the number of those who pay the tax to a much smaller number. We hear from the Punjab, and various parts of India, that there will not be the smallest difficulty in raising the tax. I am not aware whether hon. Members have seen a letter addressed to Mr. Wilson by the Rajah of Burdwan, the largest landholder in Bengal. He sees the value of the rule of Great Britain, in the protection given to life and property; and declares that the Natives of India, who derive so much benefit from that protection, ought not to object to pay so small a percentage of their incomes for this purpose. Such a declaration is highly to the credit of the Rajah of Burdwan; and I trust that in these sentiments the Rajah only represents the large zemindaries and landholders of Bengal. It has been frequently said that the mercantile classes, both European and Native, ought of all men to contribute to the wants of the State, considering the benefit they derive from our rule and the protection they enjoy. The result of the taxation now proposed is, that the small landholders will escape; that a small number will pay; and that the tax will be paid, as it ought to be, by the richer landholders and the mercantile classes, who have hitherto paid nothing to the revenue. The licence-tax also presses on the latter class, which, in fact, derives the greatest benefit from our rule, and contributes the least to its expenses; and for it, I think, the least objectionable shape has been selected. Within the last few days one of the strongest opponents of this system of taxation has confessed to me his opinion that, if taxes must be imposed, they have now assumed their least objectionable form. I think that the many Amendments which have been introduced into the Bill, have placed the taxes in the shape in which they can best be levied. Of course I am bound to admit that I contemplate the new mode of taxation with some anxiety; but, considering the circumstances of India, and seeing that no other alternative has been proposed, and that unless we are prepared to raise additional revenue for the purposes of the country, we must proceed in the ruinous course of incessant borrowing, I feel we can do nothing better than give our cordial support to the Government of India, who are directly responsible for the administration of that country, and who, being on the spot and in the midst of the people, have the best means of judging

what taxes it is possible and expedient to levy. I have the strongest conviction that the less this country interferes in the affairs of India, the better they will be administered. We have frankly told the Government of India what our opinions on the question were; and are now prepared to give them our cordial support in carrying out the determination they have formed. The next point I come to is the probable produce of the tax. It is very difficult, of course, to estimate with any certainty the produce of any new taxation. The Government of India expect that no very large sum—probably not more than £1,000,000—will be raised during the present year; and that £3,500,000 will be obtained in 1861-2. Deducting this amount from the deficit which I have already mentioned, we shall still have in 1861-2 a deficit of upwards of £3,000,000. I am in hopes, however, that the Government of India, by making, as I have no doubt they will do, an earnest effort, will be able to make a still further reduction in the expenditure for 1861-2; which is obviously indispensable, if we are to equalize our income and expenditure. There is, unquestionably, considerable scope for reduction.

I have said that I do not think the Civil Service expenditure can be diminished, but there are various branches of the military expenditure in which a saving may possibly be effected. The military expenditure of 1860-61, exclusive of building, may be estimated at £17,000,000, and the police at £2,000,000. These must be taken together, for any increase in the one would lead, to a certain extent, to a reduction in the other. We have here an expenditure of £19,000,000, in which it will be very hard indeed if we cannot effect a reduction of £3,000,000, or even more than that, in the course of the year. With that reduction and the increased taxation I think there is a reasonable prospect of placing the income and expenditure on an equality during 1861-62, or at any rate in the following year. The ordinary sources of revenue show marked symptoms of improvement, and in the course of three or four years I hope the ordinary income will meet the ordinary expenditure. That cannot be done at present, however, unless there are some extraordinary resources to draw upon; and it is as clearly demonstrated as any matter of finance can be, that additional taxation, to at least the amount which we expect will be derived from new taxes, is indispensably required at this mo-

Sir Charles Wood

ment. The prices of produce I am glad to say are rising, and the wages of labour in all parts of the country are higher than they ever have been. In Madras there is abundant employment for every one; and Sir Charles Trevelyan tells me that the men of some disbanded troops have found there higher wages than in the army. This is very remarkable, as formerly men in the military service were held to be in a much better position than others. These circumstances indicate an improvement in the condition of the people, and consequently an increased power of consumption. Therefore I think I may fairly say that there is every prospect, in the course of time, of a reduced expenditure and an increased income. The more immediate question is how I am to provide for the deficit of this year? I am glad to say that I shall be able to do so from the balances in the Treasury, without bringing them below what both the Indian and home Governments deem to be safe. It may be asked, then, why I propose to take any power of borrowing? My answer is, that I depend in a great measure for the means of defraying my home expenses, on the sums to be paid in by the railway companies. We receive into the home Treasury all the sums paid by them. The expenditure in India for railway purposes is provided out of the Indian treasuries, and I apply to disbursements here, the sums which would otherwise be sent to India for that purpose—instead of receiving remittances from India. If the railways pay all they ought to pay, then I shall not require a single shilling additional. There may, however, be some deficiency on their part, and it is to provide against that that I propose to take the power of raising, if it should be necessary, a loan of £3,000,000. In the course of this year the Railway Companies ought to pay in £7,000,000. Of that amount between £4,500,000 and £5,000,000 will, we expect, be expended in India for the construction of railways. What is not disbursed in this country, and would, if the Indian Government did not, defray the expenditure on railroads in India, be sent to India to defray railroad expenditure there, is left in the Home Treasury, and it is on this balance that I depend for meeting the home expenses. I have, however, thought it wise and prudent to take powers to raise £3,000,000, in case the railway companies should happen to pay in less than I now anticipate. I hope and trust that the railways will provide the full

amount required, and that I shall not need to avail myself of the borrowing powers which I now propose to take by way of precaution. The Resolution which I shall place in the hands of the Chairman is a general Resolution, but in the Bill which I shall introduce I shall insert a clause limiting the power to raise money to £3,000,000. With regard to the Customs duty, which is to be at the uniform rate of 10 per cent, I have not heard much complaint of the rate of duty, though it is very odd indeed if some of those who have to pay do not complain of the taxation. The objection which the hon. Member for Sheffield has taken is opposed to the view of Sir Charles Trevelyan, who says—

“The circumstances that the new advantages conferred by the arrangement are in favour of the European interest is an additional reason for distrusting our first impressions. In both points of view the arrangement is singularly advantageous to the European mercantile interest in this country.”

The objection principally urged is not so much to the amount of duty as to the valuation on which it is assessed. Several representations were made to me on the subject by deputations from manufacturers, and to all of them I have drawn the attention of the Indian Government. Among others it was stated that the system at Calcutta is not so fair as that pursued at Bombay, where the duties approximate more nearly to what they profess to be—namely, *ad valorem* duties. It is the intention of the Indian Government to call on civil servants at Bombay and Madras, as well as representatives from the Chambers of Commerce, of Calcutta, Madras, and Bombay, who are well acquainted with the matter, to meet at Calcutta for the purpose of devising such a system of valuation as shall be as nearly as possible equal and uniform. With regard to the paper currency, I am afraid that in Calcutta, as well as here, a great deal of time has been taken up in the discussion of financial subjects, and that from that cause the measure has been delayed. As far as I can learn, the proposal has been favourably received in India, and I hope before long to receive from Calcutta the Bill which has been introduced for that purpose. It will no doubt be a great convenience and advantage to trade, and at the same time, by facilitating the transmission of money from place to place, it will remove the necessity of large balances being held in the 365 treasuries which exist in India. The

railroads are going on, upon the whole, very satisfactorily in India. We hope that by the beginning of next year 1,200 or 1,300 miles will be open for traffic. Some of the works are very heavy, and render necessary a large expenditure. A very able Report has been laid on the table, which gives the fullest information on this subject. In order to complete the railways £52,500,000 will be required. The amount authorized to be raised is £36,500,000. The amount paid up is £29,500,000, and the amount expended is about £28,000,000. Of the £29,500,000 which has been raised £25,250,000 has been raised by shares, and £4,250,000 by debentures. The traffic returns are, so far, very good, and when it is remembered that none of the lines are open between substantial termini, there is every reason to believe that, when great towns become the termini of the railroad lines, the returns will increase far beyond the ratio of distance on the lines now in operation. The electric telegraph extends nearly 11,000 miles. The submarine cable appears to be subject to a great number of accidents; and, although on one occasion a message was received in six days from Calcutta, communication has been interrupted by an accident, to which I fear the cable will be very liable in the Red Sea and on the coast of Arabia. A line will shortly be laid down between Calcutta and Singapore, which will very much shorten the time necessary for communication with China. The civil public works have been very much at a stand-still during the mutiny. Many of them were interrupted because it was necessary to draught off the officers superintending them to military duties, and since then the officers have been employed on military public works, the necessity for which has been more pressing. But I trust the necessity has passed away, and that we shall be able to revert with increased vigour to the civil public works, and to which I attribute the greatest possible value, as tending to benefit the resources of India. The works which are being proceeded with in the Punjab are the Baree Doab Canal, the trunk road to Peshawur, and the Attock tunnel under the Indus. The last promises the greatest success, and when completed will be a very wonderful work. In Scinde the irrigation works are going on, and an expenditure has been authorized which will open up canals throughout the Province. These works are being carried on as fast as is consistent with the non-disturbance of the

labour market. The harbour at Kurra-
chee and the works there are in course
of improvement. In Bengal 17 roads
are under construction, 450 miles long,
which will be feeders to the railroads; and
a new town is being created at Mutlah.
The Orissa works, for saving Cuttack
from the violence of the Mahanuddy, and
utilizing the waters of the stream, are
works which the Madras Irrigation Com-
pany propose to undertake without any
guarantee. Negotiations are not quite
concluded, but if they do not undertake it
we shall do it ourselves, and in one way or
the other it will certainly be done. The
Godavery works are delayed for negotia-
tions with the Nizam. If we are to re-
spect the rights of Native Princes we can-
not take possession of the banks of a river
running through their territories without
previous arrangement, although we may
propose to improve them. I do not antici-
pate any objection in this instance, but we
must make such arrangements as will en-
title us to effect the improvement with the
Nizam's concurrence. In Southern India
two roads are ordered through the Eastern
ghauts to effect communication between
the cotton districts and the port of Se-
dashevaghur. Gogo will soon be connect-
ed with the cotton-growing districts of
Ahmedabad, and the anchorage improved.
We have also sanctioned the proceed-
ings of a Company formed for construct-
ing docks at Bombay. I am not aware
that I have anything more to say on this
important subject, but I must pay a tribute
to the course which Lord Canning has been
pursuing in Upper India, by which a rev-
olution, as I hope and believe, will be ef-
fected in the feelings of the higher classes.
I do not mean to underrate the conduct
of those who have hitherto administered
Indian affairs in reference to land settle-
ments and matters of that kind. They
have invariably been actuated by benevo-
lent and beneficent intentions, but some-
how or other they have not succeeded. The
ryotwar system was introduced in Madras
with the belief that it was calculated to
promote the welfare of the people. We
introduced what is called the village sys-
tem in the North-West Provinces, and con-
sidered it as a vast improvement on any-
thing that had been done before, and on
our taking possession of Oude we intro-
duced it there. In the North-West Pro-
vinces the result was the utter destruction
of the old landowners. In truth we thought
we were conferring a benefit on the vil-

lagers by emancipating them from the op-
pression of the Talookdars. In the North-
West Provinces the result was that the prop-
erty of the landowners was sold up and got
into the hands of the great money dealers.
During the mutiny the people rose up and
turned out the legal owners, and re-in-
stalled the old hereditary landowners. In
like manner the villagers in Oude rose
against us, under their talookdars, who,
in many cases, had exercised the greatest
cruelty and injustice towards them. On the
whole, however, they preferred the former
system to that which we introduced. The
mistake we fell into, under the influence
of the most benevolent feelings, and ac-
cording to our notion of what was right
and just, was that of introducing a system
foreign to the habits and wishes of the
people. A curious result of what was called
the confiscation of Oude was that, whereas
we thought that it had been proposed to
confiscate the talookdar system in favour
of the village settlement, the latter has
become confiscated, and the property is
reinvested in the talookdars. Lord Can-
ning has carried that system a little fur-
ther, and has enlisted on his side the feel-
ing of the landowners. He has invested
the talookdars with magisterial powers to
a certain extent, and the report of the
Commissioner at Oude states that they un-
dertake these duties with alacrity, and
show a disposition to exercise the powers
with which they are invested, and to ad-
minister justice with great impartiality. It
is exceedingly gratifying to find that these
persons exercise their responsible functions
in so satisfactory a manner, and I hope this
course of proceeding will have the effect
of attaching the landowners of the coun-
try to our rule. A similar system has
been carried into effect, but only to a cer-
tain extent, in the Punjab, where Lord
Canning proposes to invest the Sirdars with
the same magisterial powers. A further
step has been taken in assuring a great
number of chiefs in the northern part of
India that we recognize what is called the
right of adoption. The manner in which
certain properties had been taken posses-
sion of has told very much against us.
Lord Canning assured several of the great
chiefs that, in the event of their dying with-
out heirs, adoption, according to the cus-
toms of the country, should be recognized.
He has proposed to carry this a great deal
further, and to give to the generality of
the chiefs the same assurance, anticipating,
and I believe truly, the most beneficial

effects from such an announcement. He says that unless something of this kind be done you cannot depend on the attachment of the people. It is necessary to attach them to us, and to make them feel that they would lose and not gain by a change of rule in India. If the result he anticipated should be attained it will be very much easier than to withdraw some of our troops from those places where our rule would be exercised over a well-disposed and contented people of all classes, and not merely the masses, who certainly showed no indisposition to our rule during the late mutiny, for the only districts where the population took part in the mutiny were those in which the brothers, sons, and relations of the mutinous Sepoys dwelt. But I hope that by the measures now adopted we shall soon secure not only the passive but the active attachment of the people. Under these circumstances, I trust that India may by the blessing of Providence be preserved in peace, and that we may look forward in time to the improvement of the country, and to the application of English capital, which is necessary to the development of its resources, by which I believe that the finances of the country may be restored to a healthy and prosperous state. The right hon. Gentleman concluded by proposing the Resolution, which he had explained in the course of his speech.

MR. DANBY SEYMOUR said, that as far as the financial part of the right hon. Gentleman's speech was concerned he had never heard a more unsatisfactory or unfair statement. The right hon. Gentleman stated that the lowest point to which the Government of India could reduce the deficit for the year 1860-61 was £7,000,000; whereas Mr. Wilson, in the Council at Calcutta, showed that the deficit might be reduced now to £5,700,000. It was true that Mr. Wilson did not get down to that figure until he was hardly pressed by Sir Charles Trevelyan, who had shown that the military expenditure of the Madras and Bombay Presidencies might be reduced within the present financial year by upwards of two millions, and before the end of the following year by another million. A very small decrease had been taken into account, and not the very large decrease which Lord Elphinstone and Sir Charles Trevelyan spoke of. How was it that Lord Elphinstone was regarded as a high authority when he spoke in favour of amalgamation, and as no authority at all when he pronounced against

the plans of Mr. Wilson? Both Lord Elphinstone and Sir Charles Trevelyan stated that our expenditure in India need not be greater after the mutiny than it was in 1856. It was true that they did not go into details, because they had not the accounts, but they should not on the statement of Mr. Wilson impugn the testimony of the Governors of Madras and Bombay. It was said by Sir Charles Trevelyan that the delay in effecting a reduction of expenditure was caused by the sluggish action of the Supreme Court, and the Commander-in-Chief also stated that they could reduce the army if the Supreme Court would take up the question of the police, and get the police to do duty performed by the army of Madras. But the Supreme Council kept the project for a police force before them for another year, and that was the real cause of the army of Madras not being reduced, as had been anticipated by Sir Charles Trevelyan, and also by Sir Patrick Grant. The right hon. Gentleman put down the police at £2,000,000, but Sir Charles Trevelyan declared that the police necessary for the Presidency of Madras, with its population of 30,000,000 would not exceed £123,000, or at the utmost, 143,000 a year. Sir Charles Trevelyan was supported in that statement by the chief of police, and he went into details to show that for, at the most, 140,000, they would have one policeman for every thousand inhabitants. He (Mr. D. Seymour) would therefore ask the right hon. Gentleman how it was that that estimate was put so high. It appeared that the Supreme Council were making an effort to keep up this enormous expenditure to the highest point, instead of reducing the expenditure to the lowest amount. The Budget of the right hon. Gentleman, therefore, was unsatisfactory, as he had failed to show that he had used to the utmost his endeavours to keep down the expenses in India and in this country to the lowest point. Sir Charles Trevelyan said that having visited all the Indian presidencies, served twelve years in Bengal and Upper India, and made Indian affairs his study all his life, he was of opinion that the military expenditure might be reduced to £11,500,000, the standard before the mutiny, with great additional security to our position in India. He went on to say that Mr. Wilson had not only over-estimated the sum which the army need cost, and which was believed by responsible persons to be necessary, but that he had under-estimated our resources in India for

the future. The amount of the estimated increase in the revenue for 1860-1 was, in his opinion, much too small; and Sir Charles declared that if real protection to life and property were established in India by an adequate system of police, the magnificent valley of the Ganges alone would yield a greater revenue than the whole of British India now produces. He could not find that in his military estimates Mr. Wilson had ever counted on a sufficient reduction in the armies of the minor Presidencies, but Sir Patrick Grant said that several regiments might be disbanded were it not for the apprehension of a rising of the population of southern India in consequence of the imposition of the three new taxes. What better authorities could they have than the men who had been charged with the superintendence of the military and civil resources of the country? They showed the great decrease that might be effected by the cutting down of the military expenditure, if the Government did not harass the people by the imposition of new taxes, and surely they knew as much about it as the secretaries in Bengal, who were not responsible for anything.

The right hon. Gentleman said that £1,500,000 would be required this year for building barracks and forts for the reception of women and children, and it appeared from the Estimates that a similar amount would be required next year. That was equal to what the Government asked for to fortify Great Britain. But there was no security that that expenditure would not be continued from year to year. He should wish to know whether the whole question of fortifications in India had been considered by the right hon. Gentleman, and whether he had inquired into the best points for establishing forts. M. Brialmont was now occupied upon a great general work upon fortifications, and had specially considered the case of India. When such an enormous expenditure was contemplated surely the whole subject should be considered, and the best authorities, British or foreign, should be consulted. The right hon. Gentleman spoke of "many places," but the highest authorities in India were of opinion that the forts for the reception of troops and the protection of the helpless portion of the European community should be as few as possible. But in order to carry out this military expenditure the outlay for civil works had been stopped. He regarded it almost as a crime to discontinue works which produced from 40 to 600 per

cent interest upon the outlay, when, as Sir Charles Trevelyan said, "if we sowed water we reaped gold." He regretted that the plan suggested some years ago by the Marquess of Dalhousie had not been carried out—that they had not come to that House for a loan for public works, and keep a separate account of such advances, and then their system of borrowing would not be looked upon by strangers as a sign of the weakness of the empire, but of prudence and wisdom, when they raised money in that way, instead of burdening the people with increased taxation? Before the mutiny, three millions a year were laid out on those works, and two millions during the mutiny. Now, these sums should not have gone into the general account, but a separate one; and if it were publicly known for what purpose this money was raised, the result would be favourable to the Government.

Again, with regard to railway shares. They had guaranteed shareholders to a large amount. Never had fifty millions been better laid out than in making those railways. They had guaranteed, from the time the money was subscribed, an interest of 5 per cent. That had amounted to about half a million, and in future years would reach a million. Now, instead of taxing the people to pay this million; instead of putting on a tax for five years, as it was said, but which, from what they knew of the income tax in this country, was likely to be permanent, and which, he was prepared to contend, should be made permanent; that money was a fit subject to be paid from a public works loan. With regard to the paper currency, he believed it would be of the very greatest advantage to India. A paper currency was spread all over Russia, who paid her troops in Asia by that means, and found it to answer. He had always advocated the introduction of a paper currency; and he was glad that at last they were on the eve of seeing it established.

He would also call the right hon. Gentleman's attention to the desirability of expending the money proposed to be laid out at Galle, in providing a port near Cape Comorin; and would refer him to the plans prepared by Colonel Cotton upon that point, whose estimates ought to be laid upon the table. Again, there was a charge for making a road to Sedashevaghur; but a road would be of small use compared with the benefits which a short extension of the railway to that place would produce.

Mr. Danby Seymour

The right hon. Gentleman had spoken of the land sale, the questions of police, and of trusting the Native gentry. These were matters which all persons taking an interest in India had always advocated, and which had been pressed on the right hon. Gentleman for seven years. He had been struck by an observation of Mr. Campbell, the author of an excellent work on the resources of India, who replied to a question which he had asked, "Why not promote the Native gentry to high offices?"—that there were none of them left. And when he (Mr. Seymour) said, "How is that? In former times we read of their having been employed by the Duke of Wellington?"—Mr. Campbell said, "Our system has been to destroy all the upper classes in India; we have left merely the ryot and an aristocracy of civil servants." He was glad to hear that they were now going to restore those gentlemen to that place in the Native society for which God intended them. With regard to the land question, the noble Lord, the Member for King's Lynn, was the first Minister who took that view which he (Mr. Seymour) had always believed the right one; and which was, that they never would have a rich people, or a prosperous state of things in India, until they sold the fee-simple of the land. The noble Lord ordered the fee-simple of the land to be sold in certain cases; and Sir Charles Trevelyan was the individual who had done most in carrying out those orders.

He should like to make one or two observations upon the accounts. Last year the military expenditure of India was nearly three-fourths of the whole net revenue; but if they wished the country to be really safe from bankruptcy, it was absolutely necessary to insist that that military expenditure should be enormously reduced. He saw a very considerable sum for the ecclesiastical establishment; that is, for the maintenance of the clergy of the Established Church. The amount for all India was not less than £125,000; and that sum was quite separate from that for the establishment of chaplains. The promotion of Christianity in India had gone on separately from the chaplains; and he might almost say, with reverence, separate from the Bishops; and it was well known that the most efficient teachers of God's Word in India were missionaries, who lived generally on £100 a year and under, while the chaplains had six times that sum. He strongly objected to the State Establishment which was

growing up in India, and which did not exist in their Colonies. He did not believe that in the colony of Australia any allowance was made for Bishops or Ministers of the Established Church. The Bishops were continually asking for fresh chaplains to be placed upon the different stations; and he saw by the returns before him that there was a sum voted for carrying out the Bishop to Calcutta. He thought that religion and ministers of all denominations should be placed upon a certain footing, and that the Secretary for India, or the Government, should not have the power to transgress any rule which might be laid down in this respect.

The right hon. Gentleman had promised to lay upon the table annually a blue-book which should give the House a complete picture of the prospects of the Indian empire; but he (Mr. H. Seymour) had not yet seen anything of that kind. He remarked that the Punjab was made to show a surplus, and Bombay and Madras a deficit. They knew that the Punjab was a pet province of Calcutta, but he could not believe that it really did show a surplus, because they knew also that there was a larger portion of European troops placed in the Punjab than in any other part of India. They had the territories under the Governor General, the revenue of which was, he believed, £18,000,000, bringing in only £2,000,000, leaving £16,000,000 of a deficit. Attention was specially called to that point by the noble Lord the Member for King's Lynn (Lord Stanley), who wrote out to India a peremptory letter that it should be altered; but the right hon. Gentleman had totally neglected this matter, as he had many other excellent reforms begun by his predecessor in office. The right hon. Gentleman was the complete autocrat of India. He did not consult his Legislative Council, and he governed India as the Emperor Nicholas governed Russia. The House of Commons ought therefore to know what this autocrat was doing in his empire. He had on previous occasions suggested that there should be one Mint instead of three in India, and that the copper could be sent out ready coined, by which a considerable sum would be saved. The Bill called the Coast of Africa Act Amendment Bill ought to be postponed till next year, in order that not only Singapore, but Tenasseram, and perhaps Burmah, might be formed into a separate governor-generalship of the Malay provinces. The Government of Calcutta had

plenty to do without looking after these provinces; and the people were a separate race, and required a different Government to develop their immense resources. These provinces might then be made to pay. Singapore, with its £10,000,000 sterling of commodities passing through it, ought certainly to be made to pay its own expenses. The right hon. Gentleman had said nothing of the Civil Service and the law reforms, both which subjects were of pressing importance. The law of India was a disgrace to any people, and the taxes upon obtaining permission to commence suits were unknown to any other country in the world. A Bill was brought in three years ago by the Law Commissioners of India, which the right hon. Gentleman had not yet presented to the House. The right hon. Gentleman (Sir Charles Wood) had been sixteen months in office, and he had done so little during that time that the Indian Office, it was said, might as well have been shut up. The delays in answering letters and transacting business were greater than they used to be under the Company's rule, and there had been indeed no perceptible improvement whatever since the East India Company had been done away with and the right hon. Gentleman had presided at the India House. Since the right hon. Gentleman was raising a loan, why did he not make provision for the abolition of the taxes on the administration of justice, which were a scandal to the English rule? What also was the right hon. Gentleman doing about the sale of land? Was he encouraging the sale of land or not? Was the redemption of the land-tax still allowed? He believed Mr. Wilson, in his new scheme of taxation, was right in principle. The fault of the Government was that they had not done all in their power to keep down expenditure. A reduction of the salaries of civil servants would never be effected as long as it was left in the hands of interested persons in India. A plan of reduction ought to be drawn up at home by the Secretary of State, assisted by men of experience in Indian affairs. He was of opinion that the salaries of the higher class of civil servants might well be cut down, and that the Native servants should receive higher remuneration. At present it was notorious that there were thousands of Native officials who received such a miserable pittance from the Government, that they were obliged to pilfer in order to obtain a livelihood. The Secretary of State ought to set an example to the Indian Govern-

ment, by reducing the expense of the home establishment. He was surprised the right hon. Gentleman should not only have continued the office of Under-Secretary of State, of which Sir George Clerk, on his removal to Bombay, had advised the abolition, as it was a complete sinecure, but should have bestowed it upon Mr. Herman Merivale, who knew nothing about India, and had never been in that country in his life, instead of upon some tried and experienced Indian official. With regard to Sir Charles Trevelyan, he thought that he had not shown discretion in sending so strong a Minute to a member of the Legislative Council against a law which after all he might have to carry into effect, but that literally, if not morally, he was justified by an order of the Supreme Council which appeared to authorize such communications. He did not believe, however, that if the Secretary of State had done his duty the difficulty would ever have occurred. Sir Charles Trevelyan and Mr. Wilson had been rivals in the public service in England for a vast number of years, and when Sir Charles Trevelyan was saying to a friend, on leaving, that he was making great sacrifices, his friend endeavoured to console him by reminding him that, at all events, he would not have Mr. Wilson near him. It was a parallel case to two appointments in the Crimean war, and it was the duty of the Secretary of State to warn Sir Charles Trevelyan and Mr. Wilson of the dangers to the public service which would ensue should they not agree together in India. There was no indication in the despatches that these rivals were not left to their own passions, and if anything passed in the shape of private letters he entirely objected to that kind of correspondence. It appeared to him that the Secretary of State was as indifferent upon this matter as when he replied to a question of his, that he knew nothing about and had not seen the Bills which threatened to convulse India. He did not find the same energetic desire to reduce expenditure expressed in the despatches of the right hon. Gentleman which he could trace in the despatches of the noble Lord the Member for King's Lynn, and he really did not see the use of paying the right hon. Gentleman so much to do so very little. It was not the way in which the right hon. Gentleman ought to execute his high office, and he was convinced that the right hon. Gentleman would never make a more satisfactory speech than the speech of this evening, while he conducted his

Mr. Danby Seymour

business in the manner he had done since his return to the Indian office.

He believed that Mr. Wilson's taxation would inaugurate a new era for India of the greatest possible importance. It was somewhat similar to that which commenced with our glorious Revolution, at which time the bulk of the taxation was raised by the land tax. Since then personalty had enormously increased, and the taxes had been gradually placed on that branch of wealth. The same principle was being introduced in India by Mr. Wilson, and he (Mr. Seymour) believed that the people of that empire were sufficiently enlightened to see that it would be to their lasting advantage and interest. He must say, in conclusion, the Whig theory of Government appeared to him to be that able men were to be found scattered on the streets. He had been amazed during the ten years he had been in Parliament at the appointments of the Whigs. Take the two last cases. There were two men of the greatest talent—in every respect exceptional men—men of whom there were very few produced in the course of a century—he referred to Sir Charles Trevelyan and Sir Henry Rawlinson, and both of them, on account of some trifling blunders, which were more the fault of the Whigs than themselves, were recalled, and were wasting their lives in idleness. These men were the appointments of the Government opposite. They would never have been picked out by the Whigs, but they showed the greatest alacrity in getting quit of them.

Mr. W. EWART said, he fully concurred in the praises which had been bestowed upon Sir Charles Trevelyan, but he thought that, after the course taken by that officer, the Government could not do otherwise than remove him, notwithstanding his great abilities, as they could never allow a governor to act at variance with the instructions of his superior. With regard to the army in India, he trusted that, in due course of time, it might be reduced, and he thought the reduction could be effected if a proper and vigorous police were established throughout the country. He was glad to hear that the Government of India had adopted the plan of appointing magistrates selected from the principal landowners of India, whether Europeans or Natives; and the recognition of the system of adoption he considered to be a wise concession, calculated to attach the territorial proprietors to the British rule. The establishment of military posts in the most

healthy parts of the hill districts would be, in his opinion, a most desirable measure. From these posts the troops might be brought down into the plains at any time, when their services were required, retaining all the vigour of European constitutions. But what he mainly trusted to was the development of the resources of India by encouraging the introduction of English capital, by improving the means of communication, and by a judicious extension of public works, especially works of irrigation. Irrigation, he maintained, would be found the great agent for developing the resources of India. It might be said, to use a somewhat Irish expression, that water was the blood of India. He wished to say a word with regard to the planters. He believed them to be a vigorous and valuable race of men, and likely to produce great benefit to India. No doubt they had, in former times, abused this power. But he believed they were destined to do much good hereafter. He thought that the salaries of the civil officers might be reduced, but he did not anticipate any great saving from the reduction. If the salaries of the lower officers were raised, then some reduction might be made in the salaries of the other officers. With regard to the revenue, what was wanted was a strict system of appropriation, and he was of opinion that there ought to be an Imperial audit. The India Council in this country he conceived to be inconsistent with a vigorous executive, and he did not believe that there could ever be a proper system of government with a sort of Parliament sitting in the India Office. He hoped and believed that the people of India would in time be conciliated by a mild but firm system of Government, watchful over the security of persons and of property and considerate of the feelings, while it did not sustain or justify the religious errors of the people.

Mr. GREGSON said, he also concurred in regretting the loss which the public service had experienced by the removal of Sir Charles Trevelyan, who during the short time he had been in Madras had effected many improvements. He considered that the military expenditure might be prospectively reduced, and a considerable saving effected. In 1856 the revenue was £33,000,000, and in 1860 it had increased to £37,000,000, so that it might be hoped by degrees the income and expenditure would be equalized. He hoped that the right hon. Gentleman was not

going to add to the heavy taxes which were being imposed on India any increase in the duty on salt. Sir Charles Trevelyan said, he should be sorry to see such an increase, and, considering the millions of people in India who possessed not more than £5 a year, and who were consumers of salt, they ought to be spared any additional tax on this commodity. He hoped that the right hon. Gentleman would be successful in carrying out the reductions which he proposed; and, from what he saw of the increasing resources of India, he had every confidence that at the time when the right hon. Gentleman expected that the income would balance the expenditure it would really largely exceed the expenditure.

SIR HENRY WILLOUGHBY said, he could not quite agree with the hon. Gentleman in the sanguine view he had just expressed of Indian finance. In his opinion a more serious question could hardly come before the Committee than the prospective state of that finance, which seemed to him most alarming. When the hon. Gentleman referred to the increase which had taken place in the revenue between 1857 and 1860, he overlooked the elaborate Minute signed by Sir Bartle Frere and Mr. Wilson, showing that the increase did not arise from a legitimate development of the resources of India, but was owing to accidental circumstances, and that there was no reasonable mode of meeting the difficulty except by imposing these new and dangerous taxes. In considering this question the Committee should remember the doubt which beset every proposal respecting Indian finance. Mr. Wilson's first discovery on going out was that the deficit had been largely under-estimated; and the difficulty of discussions in this House on Indian subjects was that they could not be sure of the ground on which they were treading. The chief point on any question of Indian finance was of course the composition of the army. In 1856-7 there appeared to have been 45,000 Europeans and 287,000 Natives, and in the present year there were 80,000 Europeans and 300,000 Natives. He should like to hear whether these numbers were correct, because with anything like that army it was perfectly impossible that Indian finance could right itself. In 1856-7 the expense of the army was £13,500,000; next year it was £17,500,000; then it was £24,000,000; in the following year £21,000,000; and for 1860-1 it was

Mr. Gregson

taken at £15,250,000. He greatly feared that the cost in the current year was under-estimated. But even taking it at that amount, and assuming that the income tax was ordinarily successful, how could you expect to wring such a sum from India or to avoid deficits for a series of years? Before you could touch a single rupee of Indian revenue it was necessary to clear off ten or eleven millions of dead weight, in the shape of cost of collection, allowances and grants, and interest on the debt. When to this was added £15,000,000 for the army and £800,000 or £900,000 for the navy, there was but a small sum left to defray the general expenses of Government. Mr. Wilson, with Lord Elphinstone and Sir Charles Trevelyan, agreed that the expense of keeping up a European army of 80,000 men in India would be enormous; and the whole question of military expenditure was one of vital importance. There was more danger of losing India by means of obnoxious taxes than even through a mutiny, and the greatest caution was therefore required in the imposition of new duties.

MR. GREGSON explained that he had quoted from memory the revenue was £32,000,000; he found on reference the net revenue was £33,300,000.

MR. ROEBUCK said, he wished to refer to a question which had not been touched on during the debate. In the Indian mutiny a large amount of property was sacrificed by persons who were not in the Company's service, but were settlers and planters. The value of their property so destroyed was, by their computation, about £3,000,000. These losses were occasioned by the servants of the Company. The Indian army rebelled. The servants of the Company, therefore, caused all the losses that were incurred during the rebellion. By the law of England, any loss sustained in consequence of rebellion would fall upon the hundred within which the property was situate. The persons to whom he referred considered that they had a distinct right to come upon the Government for compensation. The Government had acknowledged that right, for last year the right hon. Gentleman said the Government proposed to draw a distinction between property which it was impossible to move, and property which might have been saved from injury. They proposed to give half the value in the first case, and one-third the value in the second, and they further proposed to limit the whole amount

to be distributed to £1,000,000; but within a few days after making that statement the right hon. Gentleman wrote a Despatch, in which he recommended that in the cases of building factories, and crops where the admitted loss did not exceed 2,000 rupees, the compensation should be one-half of the admitted loss, and if the loss exceeded 2,000 rupees then only one-third of the additional loss beyond 2,000 rupees should be granted. In regard to jewels, cash, and personalty one-third of the admitted loss should be allowed; but in no one case should more than 5,000 rupees compensation be allowed. Thus there were two departures from the proposition which the right hon. Gentleman had stated to the House, and those departures seemed to militate against a principle which he had dwelt upon, in that India might flourish English capital must be introduced. But English capital would not be introduced unless its owners were satisfied that they were under the protection of English justice, and if questions of that kind were to be dealt with in the offhand and fantastic manner in which the right hon. Gentleman had dealt with the sufferers by the late mutiny a feeling of uncertainty would be created that would keep capital out of India. He might also refer to another class of cases—that of the insurance companies. Those offices insured the lives of civilians. Those civilians were called upon by the Government to act as soldiers. They did so, and many were slain. In all those cases the insurance offices paid the insurance moneys, and then appealed to the Government to reimburse them. The Government, however, refused to recognize their claim, and would not permit them to participate in the £1,000,000 that was to be distributed as compensation for losses. He would warn the right hon. Gentleman that this subject would be renewed next Session and in future Sessions, until justice was done, or the sufferers were convinced that they had no grounds of hope from the justice of Parliament or the Government.

SIR DE LACY EVANS said, he fully agreed with the hon. and learned Gentleman that civilians having been required to act as soldiers, and having perished in performing the duties of soldiers, and the insurance companies having liberally paid the claims upon them, those companies were entitled to expect a liberal consideration from the Government. The only part of the right hon. Gentleman's voluminous

statement to which he should refer was the military expenditure. He was glad to find that it was intended to construct barracks calculated to preserve the health of the troops, and also places of safety for women, children, and treasure, in case of a sudden rising either of troops or people against our authority. He quite concurred in the remarks of the right hon. Gentleman as to the great loss the public service in India had sustained by the removal of Sir Charles Trevelyan from the Government of Madras. He admitted that the conduct of Sir Charles Trevelyan might have given some cause of complaint to the Supreme Government, but, on account of the undoubted abilities of that high Officer, he (Sir De Lacy Evans) regretted that some less severe course had not been pursued, and he hoped that the Government would take a speedy opportunity of utilizing that gentleman's great abilities. He had listened with much attention to the statement of the right hon. Baronet, but confessed himself unable fully to understand it. Thus much, however, was clear that the whole statement rested upon the immense military establishment now retained in Bengal. In 1857 there were but 45,000 European troops on the Indian establishment, and, in fact, there were not more than 40,000 in that country. The neck of the rebellion was broken by those men. The capture of Delhi was the turning point of the mutiny, and that was accomplished without the aid of a man or a gun from England. The Government very properly made every effort to send out men, but the great event took place before they arrived, and it was always said that the Native population did not take part in the outbreak. He knew of no conquest more decisive than that which we had accomplished in India, and yet, notwithstanding the *prestige* our triumphant success had given us, English troops were being continually sent out to India. He believed that at this moment there were not fewer than 80,000 European troops in India, and he understood that the Native army had also been greatly increased. How was it possible in these circumstances to have the finances of India in a prosperous state? Why was it necessary to have this vast army in India? It would be easy to reduce them gradually and continuously, but he had not heard that there was any intention to make a reduction at all. He must say that, independently altogether of financial considerations, the retention of so large an

army in India was very much to be deprecated.

MR. VANSITTART said, he regretted to hear the right hon. Baronet announce that it was necessary to raise another loan this year, as he had been in hopes, on perusing the speech which Mr. Wilson delivered in the Legislative Council of Calcutta on the 18th of February last, that that ruinous system was about to be put a stop to. On that occasion Mr. Wilson observed :—

“But what has this state of our finances brought about? Our deficiencies have been supplied by loans in England and in India, and what have been the results? And here I claim the special attention of every one, Native and European, who feels a real interest in India. What was the state of our debt before the mutiny? What is it now? And let me ask what will it be soon if we are to resort to the miserable, the disreputable expedient of continuing to borrow in time of peace?”

With regard to that speech—and upon which they had refrained very properly from commenting up to that period, lest it might have embarrassed the operation of Mr. Wilson's financial scheme—it appeared to him that the most serious, almost appalling circumstance, that could not fail to strike the reader, was that, since the commencement of the present century, with the exception of fifteen years, there had been an annual deficit, sometimes larger and sometimes smaller in amount, and that of the entire Indian debt of £97,851,807 no less than £38,410,755 had been incurred by the late mutiny of our Bengal Sepoy army. When Mr. Wilson left the shores of this country for India it was thought that he would have to provide for a deficit of a few millions, whereas on his arrival at Calcutta he found that the deficiency for the past year ending the 30th of April last, and for the current year, amounted to no less a sum than £15,790,129. A more gloomy view of the financial condition of a country had, perhaps, seldom or never been presented, and he thought, therefore, that great allowances should be made if the right hon. Gentleman had been compelled to resort to a severe system of taxation. He could not, however, approve the income tax portion of his scheme, which occupied 181 folio pages in print, containing 206 clauses, and which, by exempting nothing but the pay of private soldiers and non-commissioned officers, was ill-calculated to reconcile the Native population to the payment of such a novel, oppressive, and searching tax. He was

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aware that he had since amended it very materially, and that he had cajoled the zemindars to pay it by an abatement of the Government rent from one-half to one-third.

SIR CHARLES WOOD said, the abatement referred to did not apply to the landholders.

MR. VANSITTART was under the impression that it did, but he would not pursue that part of the subject. He must say, however, that he much doubted whether the right hon. Gentleman would not be disappointed with the Returns under this head. In corroboration of that opinion he would only mention that an inquiry had been set on foot a few years since by the Indian Government, in order to ascertain what would be the probable return from a succession duty, similar to what prevailed in this country, and that it had not been estimated at more than thirty-seven lacs of rupees, or £370,000. He would further observe that he could not anticipate any difficulty in regard to the machinery by which the income tax was to be collected. He apprehended that duty would devolve upon the Revenue Commissioners, collectors, deputy-collectors, and assistants of the different districts in the Mofussil, and that that much vilified body of public servants, the covenanted civilians, disregarding all apprehension of the consequences likely to arise in carrying out such an unpopular measure, would, with that zeal and fidelity for which they had always been distinguished, proceed to realize it in the same manner as they did the land revenue, the abkarry, and other sources of revenue. He considered the enhanced tax that Mr. Wilson had imposed on salt and tobacco, which latter article was the one sole luxury and universal solace of the toiling millions, to be not only impolitic but likely to be met in the interior with a dogged, passive resistance. Mr. Harrington, the Member for the North-Western Provinces, laid himself open to ridicule by exempting himself and other officials from the first licence tax which he introduced into the Legislative Council, but he thought it was to be regretted that he did not proceed with his second or amended Bill, as this mode of taxation was evidently not only far more in harmony with the feelings and prejudices of the Natives, but he believed that the returns would have been found to be more profitable. Indeed, he held in his hand a Return which the right hon. Baronet laid on the table on the 30th of last month, and he found that the

yield from the trade taxes in the province of the Punjab only was estimated at £230,000. The right hon. Baronet did not seem to be indisposed to introduce certain measures which were demanded by the transfer of India to the Crown; but he might depend upon it that it was hopeless to expect to effect any real practical good until the Legislative Council of Calcutta was remodelled, for it was absurd to suppose that a Council of eleven members, all paid nominees of the Government, could cope with the wants and requirements of such an enormous country as India. He had been conversing a day or two previously with Governor Keate and Sir Charles Macarthy, and he learnt that Trinidad with its population of 100,000 souls had a Council of twelve members, six paid officials, and six unpaid non-officials; and that Ceylon, with its population of 2,500,000, had a Council of fifteen members, nine paid officials, and six unpaid non-officials; whereas, India with 200,000,000, had a Council of but eleven members, all officials. That some non-official element was greatly needed had been fully confirmed by the mail which arrived that day, for it appeared when it left Calcutta that the Council, at the dictation of Earl Canning, were discussing a Bill having for its object to re-arm the Native population and to disarm the Europeans, and were it not for the fearlessness with which the Bill was opposed by those two upright judges, Sir Barnes Peacocke and Sir Mordaunt Wells, it would probably pass into law. This being the case, could it be wondered at that the finances of India should have fallen into such a dilapidated condition, and that mutinies and agrarian riots should so continually take place? One word about the Indigo Commission then sitting at Calcutta. That Commission consisted of two civilians, Messrs. Seton Kerr and Temple; Mr. W. Fergusson, an indigo planter, chosen by the Indigo Planters' Association; the Rev. Mr. Sale, a missionary; and Baboo Chunder Mohen Chatterjee, chosen by the British Indian Association; and this mixed Commission was working admirably. Now, he thought they might draw an advantageous lesson from it, and request the Indigo Planters' Association, the Chamber of Commerce, and the British Indian Association to select two gentlemen from among their respective bodies, in order to associate them with the members of the present Legislative Council, and he ventured

to say that their varied knowledge and this infusion of fresh blood would quicken that jaded Council into something like activity and efficiency. At all events, were the right hon. Baronet to adopt that suggestion, he would have the satisfaction of knowing that he had done something towards repairing the error into which he fell in 1853 by creating such a ludicrous assembly as it was at present; and that, although the Eastern horizon was overclouded by financial difficulty, and the resources of India were well-nigh exhausted, yet they would not be quite without hope that her future might ere long assume a brighter and serener aspect.

Mr. CRAWFORD said, he could give a cordial concurrence to the Resolution with which the right hon. Gentleman (Sir Charles Wood) concluded his speech, as he looked upon it as a measure not only of caution but of absolute necessity. The hon. Member for Poole had urged the construction of one or two more new railways in India, and had recommended an extension of the guarantee. He trusted that the Secretary of State would pause before he extended the system of guarantee, whatever the merits of the railways might be; because, if the plan of subsidizing were further carried on, the thing would be overdone and a guarantee of 5 per cent would be insufficient for the purpose. The railway companies were at present guaranteed 5 per cent on their capital. When the lines were opened, if the profits exceeded 5 per cent, one-half the surplus went to the Government in repayment of their advances of interest during construction, and the other half was to be divided among the shareholders. He would suggest that the agreement should take effect as soon as the lines were worked, although a portion was yet unconstructed, and that half the surplus profits over 5 per cent should be immediately divided among the shareholders. Such an arrangement would, he thought, stimulate the companies to proceed with the construction of their lines. The hon. and learned Member for Sheffield had adverted to the question of compensation. He did not know whether the claimants to compensation had any common law rights or not, but he could not but join in an appeal to the right hon. Gentleman to consider the sum of £1,000,000 set aside for this purpose as a *minimum* as well as a *maximum*. With regard to Customs' duties, they were, no doubt, a fair source of revenue, but he could not but feel that

there was a disposition in India to stretch this source of revenue, and to raise the duties so as to interfere with the trade of India. He entirely concurred with Sir Bartle Frere in the Minute quoted by the right hon. Gentleman, that a tax in the nature of an income tax was one to which the Natives of India were in some degree habituated, and that if it were left to the Natives to carry out they would readily conform to it, and it would form a most productive source of revenue.

Mr. T. G. BARING thought the hon. Member for Evesham (Sir Henry Willoughby) had no ground for the complaint he had made of the inaccuracy of the statements of his right hon. Friend the Secretary of State for India. The Estimate which the right hon. Gentleman gave last year of the deficit of the present year had proved to be within a few hundred thousand pounds of the actual amount. From the speech of the hon. Member for Poole (Mr. H. D. Seymour), it appeared that nothing which the right hon. Baronet had done had had the good fortune to please him. The complaints of the hon. Gentleman were singularly inconsistent. According to him the Secretary of State governs India like an autocrat, and yet stoically leaves India to govern herself. If a Bill is introduced it ought to be postponed. If one is postponed it ought to be pressed. He complained that Papers had not been produced which no one had asked for, and that a document which had not yet been received from India had not been laid upon the table. In one breath he condemned the Secretary of State for not abolishing an office and for not filling it in a different manner. The hon. Member declared that nothing had been done, and yet his whole speech was an objection to what had been done. He could inform the hon. Member that there was no foundation for his assumption that any good measures introduced by Lord Stanley had been checked. The measures as to the sale of lands had not been altered; and the accounts which he was so anxious to see were contained in Papers which had already been laid before the House. An improved system of accounts was being introduced in India, much simpler and more rapid than the old system; and, in consequence, the Indian accounts had this year been presented for the first time within the period laid down by Act of Parliament. He denied that there had been any delay in the public works. As his right hon.

Mr. Crawford

Friend had stated, all the works of importance were being carried on. The canals in Scinde were being pushed forward, the Madras Irrigation Company were actively employed, the improvement of the river Godavery was in progress. It was absurd to talk of a railway to Sedashevaghur, as it would have to be carried over a steep mountain pass, and would be enormously expensive both to construct and to work. If any new port were to be established instead of Galle, as suggested by the hon. Member, it should be at the point where the Madras railway touched the west coast, rather than on the south coast. He was glad to be able to inform the Committee that a decrease of nearly six millions since the year 1858-9 had already been effected in the military expenditure, and that there had been a considerable reduction in the number of Native troops. The Government of India were fully conscious that it was absolutely necessary that the Native army in India should be largely diminished, and were endeavouring to effect that object as rapidly as they could do with safety. It would be dangerous to be in too great a hurry in the matter. His right hon. Friend had made allowance for the greatest possible reduction during the year in that branch of expenditure. The difference between the military expenditure of 1856-7, the year before the mutiny, and 1860-61 was £3,500,000; and that was the amount of reduction anticipated by the Secretary of State, in order, together with the estimated produce of the new taxes, to square the revenue and expenditure for the year 1861-2. Hon. Members, therefore, could not say that reduction in the military expenditure had not been fully taken into consideration. The hon. Member for Poole (Mr. H. Seymour) was altogether mistaken when he asserted that the home expenditure had not been revised, for since he had been in office his right hon. Friend had cut down the Home Establishment considerably, abolishing a number of offices and one whole department. A revised scheme had recently been approved by an Order in Council, which had been laid upon the table of the House, and if the hon. Member for Poole had taken the trouble to examine it he would have seen that large reductions had been made. The Committee would also be glad to hear that by simplifying the mode of conducting business the time necessary for passing papers through the department had been very

much reduced. He was glad to hear from the hon. Member for the City of London that his experience of India confirmed the opinion of the great majority of persons who were conversant as to the feelings of the Natives, that the measures which were rendered necessary by the state of the finances would meet with no more difficulty than was incidental to the introduction of renewed taxes in most countries. He agreed with the hon. Member for Windsor that the greatest reliance might be placed on the tact and ability of the officers of the Civil Service who would have to carry those measures into effect, and, while alluding to the civil servants, he might state that Mr. Rickett's Report was not laid on the table, because it occupied five folio volumes, and the expense of printing would be far more than commensurate with the advantages of its being printed. If, however, the hon. Member for Poole desired to see the Report he would gladly furnish him with a Copy, and he was sure that the perusal of it would occupy the hon. Gentleman during the whole of the recess.

MR. AYRTON expressed his regret that at so late a period of the Session, when many hon. Members had left town, the right hon. Baronet should have made a statement of another year's mismanagement and another year's insolvency, for, if such a statement had been made at an earlier period of the Session, the House would have felt that it was its imperative duty to appoint a Committee to investigate the circumstances which had brought about so lamentable a result. It had been proposed to save 2 per cent in the rate of interest by the Government of England making advances to the Government of India upon the security of the revenues of India. There were objections to that proposition, but it possessed this advantage—that the attention of Parliament would, under those circumstances, be specially directed to the manner in which the Government of India was conducted. Another course to meet the difficulties in Indian finance was an open loan, but the right hon. Gentleman dismissed that proposition, because it would foster the extravagance of the Indian Government. The course which was adopted was, to his mind the worst of all, because it declared to the Government of India that, let their expenditure be what it might, they had only to write a despatch to the Secretary of State in Council, and the Secretary of State in

Parliament would obtain authority to raise millions without consideration and without discussion. Credit must produce unlimited extravagance in the administration of the Indian Government, and the result at which they had arrived proved the truth of that assertion. The foundation of all improvement must be, not to restore, but to establish confidence in the British Government. He could see only one redeeming feature in the statement of the right hon. Gentleman, and it was that in which he told them that the Governor General had at last entered on that career which could alone place the Government on a solid and enduring basis. Since the new school of the Civil Service was introduced it had been their settled plan to oppress, to harass, to degrade, to insult, and to injure the territorial aristocracy of India, and it was most gratifying to find that this policy was now to be abandoned, and that the Governor General had at last undertaken the duty of recognizing the rights of the territorial aristocracy to the possession of that territorial interest which many of them had enjoyed for centuries. But if that was a consoling circumstance, he could wish that it were not marred by other events which had taken place at Calcutta. He did not intend to express any opinion about these matters because the time for that had not yet arrived. They had not had on the table of the House the Bill introduced into the Legislative Council of Calcutta, and therefore, it was impossible to form an opinion of the measures which had been the subject of discussion there. But it was a remarkable circumstance that upon the introduction of this new scheme of taxation, it was taken for granted that there was to be a very large expenditure, and that there must be a deficit. Mr. Wilson, in addressing the council, never condescended to explain whether there was any necessity for the new taxation, or whether it was possible to reduce the expenditure within the income. But it was one of the anomalies of the question that there was a Legislative Council at Calcutta, presuming to deal with the finances of India. It was announced to the council that the expenditure would be so much, and then they were to find the revenue. The whole subject had been withdrawn from the consideration of the House of Commons. Sir Charles Trevelyan pledged his official character—and the opinion was backed by Lord Elphinstone—that if the finances of India were properly managed the military ex-

penditure could soon be reduced to the same level as before the Indian mutiny. Against that firm and deliberate assertion on one side was placed the authoritative negative of Mr. Wilson, speaking likewise for the Commander-in-Chief and the Governor General. In this conflict it was impossible for Members to form an opinion, unassisted as they were by a particle of practical information. All they could do was to assume the deficit to be as stated by Mr. Wilson, and to vote the amount requisite to cover it. This was the melancholy position to which the House of Commons was reduced, after undertaking the superintendence of the finances of India! The course pursued at Calcutta was such that it would become necessary next Session to consider whether such a mockery of legislative proceedings—such an injurious farce as the Legislative Council—ought to be continued. A few Members, appointed by the Governor General at salaries of £4,000 to £5,000 each, met in a room, and entered into controversies in which they absurdly mimicked the proceedings of the House of Commons, addressing each other as the “hon. Member” for a particular district, and having Treasury and Opposition benches each maintained by the State; but the effect of those discussions could only be to lessen British influence in the eyes of the Native population. There was taxation without the shadow of a real representation, and the sooner the errors resulting from the *doctrinaire* policy of 1834 were corrected the better, in his opinion, it would be. A tax might be levied without danger in any one district of India, in the Punjab, in Oude, or Bombay, but as soon as it was attempted to apply the system generally, every sort of opposition and disloyalty was evoked which might attain to a pitch subversive of British rule in India. He hoped the right hon. Gentleman would think it right to establish separate Governments, each of which would apply itself to the local circumstances of its own district, and impose taxes in accordance with the feelings and ideas of the people. How was it to be supposed that the Natives of India could know anything of the 180 clauses of which this Bill was said to consist? Sir Charles Trevelyan rightly attributed their supposed contentment to their total ignorance. A Native inhabitant of Madras knew as little of the proceedings of the Council at Calcutta as a peasant in Lincoln did of the regulations of the Chancery of Austria; but they were painfully

Mr. Ayrton

sensitive when visited by the taxgatherer. The large military organization which had to be kept up was required to guard against the danger to be apprehended from sedition. But besides the military expenditure, there were other branches to which the right hon. Gentleman would do well to address himself at an early period. There was a very large item of £100,000 for naval expenditure in India, the necessity of which he never could make out. There was a little service kept up in Bombay called the Indian Navy, which was the growth of the East India Company, who thought, as they had an army, they must also have a navy. It had never done any useful service; it gave rise to a large expenditure, and a reduction might safely be made under that head. It was said that it would be quite impossible to reduce the civil service expenditure; but he found that though it had not been reduced, it had been considerably increased. But what was the cause of that increase? It was to be found in the tendency to set aside Native administration, and to substitute European. But it was by the use of Native agency, to be paid upon a Native scale, that they could economize the Indian expenditure. Again, the uncovenanted service was a sort of abortion between the regular establishment and the Native service. When a Native got into it he was overpaid; when an English gentleman got into it he was underpaid. He did hope that the right hon. Gentleman would apply his mind to the reorganization of the Civil Service in India, and that he would effect those reductions which he (Mr. Ayrton) believed could be accomplished, provided the right hon. Gentleman did not lend himself too much to the prejudices which had grown up in times past. He could not help expressing his regret that the right hon. Gentleman did not proceed with that most important measure, which was the foundation of any improvement in the administration of justice in India—namely, the amalgamation of the Courts of Appeal, which would effect a saving not only of money but of time to the people, and must lead to very great improvement in every branch connected with the administration both of civil and criminal justice.

There was another point which he wished to impress upon the right hon. Gentleman. He (Mr. Ayrton) observed that no sooner was any scheme of improvement suggested in India, than forthwith it was made the pretext for an enormously expen-

sive establishment. A despatch had gone out from this country, giving directions to improve the education of the Natives; and what was done? A great educational department was created, and he would venture to say there was more money spent in inspectors, superintendents, and chiefs, at salaries ranging from £300 to £1,000 a year, than was actually spent in the education of the Natives. The same was the case with the Public Works Department, and in consequence of the new system of currency, he saw looming forth the Currency Commissioners, their deputies, and a whole staff of persons who, it would be said, occupied very responsible positions, and if any profit should arise out of the currency, it would be all absorbed in the enormous establishment which would attend its introduction into the country. That was a most pernicious system. With regard to the cultivation of the existing revenue, there was only one means by which the increase could take place, and that was by increasing the productive resources of India. That must be done by the foundation of an excise, customs, or land revenue. That, again, could only be increased, in the first place, by irrigation; and secondly, by improving the communications in India. He wished to impress upon the right hon. Gentleman that if he desired that the railways in India should flourish, he must be cautious in entering into engagements; but when he had entered into them, he should take care that they were honestly observed on the part of the Government of India. As far as his own observation had gone, he did not think the Government had exhibited that disposition faithfully to perform its engagements that the railway companies had a right to expect. He sincerely trusted that early in the next Session of Parliament the House would be favoured with the measures which the right hon. Gentleman had shadowed forth in the present Session, and that he would be enabled to check and control the disposition to extravagance that was still manifested by the Indian Government.

MR. HADFIELD complained that under Mr. Wilson's Tariff the imposition of 10 per cent Customs duty on British manufactures amounted to protection in favour of the Native manufactures. Nearly all the produce of India, which was sent to this country, came free of expense; but, under Mr. Wilson's tariff, the British manufacturer would be debarred from sending his manufactures to India, and from the same cause

would also be prevented from ordering from India the produce of that country. That was a most unreasonable tax, which, he would venture to say, must prove injurious to India, both on the principles of political economy and free trade; and he therefore appealed to the better judgment of the right hon. Gentleman to say whether this tax on British manufactures was one that ought to be imposed. He desired to know if it was correct, as stated by the hon. Member for Poole (Mr. H. Seymour), that £120,000 of taxes were raised in India from a Heathen and Mahometan population to maintain the ecclesiastical institutions of that country? He should be glad to hear from the right hon. Gentleman an explanation, or rather a contradiction, of that statement. His objection to it was, that a tax of that nature was prejudicial to Christianity itself; and damaged the exertions made by different societies in this country, which, by voluntary contributions, defrayed the expense of Missionaries in India.

MR. KINNAIRD said, he did not agree with the hon. Member for Poole in all his invectives against the right hon. the Secretary of State for India, who had made a clear statement of the revenues and liabilities of India with great fairness, and without any attempt at concealment. He understood the right hon. Gentleman to say that he was most anxious to foster the introduction of British capital into India; and that the Madras Irrigation Company, having a simple guarantee, which cost the country nothing, saved, by the mere introduction of labour, a vast population from starvation. The Company were willing to undertake further operations without guarantee; but he understood from the right hon. Gentleman that the Government were ready to carry on the works themselves. Now, if he wished to introduce British capital into India, he had certainly better accept the terms offered by the Company.

MR. LYGON said, he hoped that the right hon. Gentleman (Sir Charles Wood) would review the system under which the official director of railways to the Indian Council dealt with contracts for the construction of lines in India. Those contracts ought to be thrown open to wider competition; and the specifications in connection with them ought to be delivered in plainer and more intelligible terms than those in which they had been hitherto couched.

MAJOR WINDSOR PARKER said, in

reference to the observations which had been made by previous speakers to the effect that the course pursued by the authorities in India towards the Natives had been one of a discouraging and humiliating tendency, that if there was one point in which the Government of India had shown itself more anxious than another to conform to the customs and habits of the Natives, it was the way in which they had conducted their intercourse with them. In fact, the Government had evinced this disposition to an almost excessive degree; and he was quite sure, therefore, that there was no foundation for the observations to which he had alluded.

MR. GREGSON inquired whether the subscribers to the intended £3,000,000 would be liable to the income tax in India?

SIR CHARLES WOOD said, that the hon. Member for the Tower Hamlets had complained of the late period at which this question had been brought forward, but in making his remarks the hon. Member must have forgotten that it was impossible for him (Sir Charles Wood) to make the statement until after the financial accounts were received from India; and it was only the previous day at three o'clock that a most important financial despatch from India was received. With respect to the comments made by the Member for Poole, (Mr. D. Seymour) he must say that he gave up all hopes of satisfying that hon. Member, who attributed to him everything that he considered to be wrongly done—even matters which were transacted when the hon. Member was himself Secretary to the Board of Control. He could inform the hon. Gentleman that he was not aware of any intention to expend money from the Indian revenue on improvements at Point de Galle. With regard to the improvement in the land revenue, owing to reductions in the land assessments, the credit of which the hon. Member gave entirely to Sir Charles Trevelyan, he (Sir Charles Wood) must observe that he had himself suggested those reductions to Lord Harris, and therefore his hon. Friend would perhaps allow him some little credit on this score. His hon. Friend complained of the large expenditure arising out of the ecclesiastical establishments of India. But his hon. Friend must surely know that ever since civil and military servants were sent to India it had been considered the duty of the Government to provide them with the means of spiritual instruction. He (Sir Charles Wood) had not increased those establishments in any way whatever,

Major Parker

but had only filled up such vacancies as occurred. His hon. Friend had spoken of the necessity of enforcing economy on the Government of India; but he had not lost sight of this subject, for of four despatches of his which were published there were two enforcing economy on the local Government in the strongest terms, and these were not the only despatches on the subject. His hon. Friend was wrong in assuming that there was not a large allowance for reductions in the Bombay and Madras Presidencies. The reductions in those two Presidencies would amount to £1,200,000, and the Government had based their proceedings on the official returns. His hon. Friend (Mr. Ayrton) said the House had no means of judging of the deficit. But there had been furnished to the House the financial account of the Indian Government, with the Estimates for the current year, and every possible paper. There was, indeed, a plethora of information, for letters and papers had been produced beyond those ordinarily laid before the House, and he had never heard a complaint so unreasonable.

MR. AYRTON remarked, that he had not complained of the want of a statement of figures, but of the absence of any details corresponding to our Army Estimates, so that nobody could form an opinion as to whether the account presented was reasonable or not.

SIR CHARLES WOOD said, that he could only repeat that all the information usually furnished to the House was now on the table, with a good deal more besides. The hon. Member for Poole attacked him for the appointment he had made of a gentleman as Under-Secretary of the India Board, who was not an Indian servant, and contrasted that appointment with Sir George Clerk, a very distinguished Indian servant, as Under-Secretary of the Board of Control; but his hon. Friend entirely overlooked the change of circumstances. The Minister responsible for India did not necessarily possess any Indian knowledge. In former times the President of the Board of Control, had not in his office any person connected with India, and therefore it was very important for him to have as one of his secretaries a person of experience in Indian affairs. The Secretary of State, however, had a Council of fifteen persons of large Indian experience, and it was therefore not necessary that he should add to them a sixteenth person of Indian experience as Under-Secretary. Mr. Herman

Merivale was a gentleman of great administrative ability and of great experience, and he did not think it would have been possible to make a better choice. With regard to the question put by the hon. Member for Lancaster (Mr. Gregson), there had been an increase in the duty on salt, but there was no intention of making any further increase. As to the planters who had lost property during the mutiny, he did not see the discrepancy to which the hon. Member for Sheffield (Mr. Roebuck) referred between his speech last year and his despatch. He had stated generally the principle which the Government had laid down—namely, the allowance of one-half in the case of fixed and one-third in the case of moveable property, and that the probable amount of allowances would be £800,000. In the despatch he had entered more into detail, but its substance was the same. He declined to pledge himself to distribute *pro rata* the difference between the £1,000,000 and the sum first awarded. There might be some among the former and smaller holders who in equity might have a stronger claim than others, and he reserved to himself the power of considering whether any such claims might not be more deserving of attention. From private letters received from Mr. Wilson, he believed that the 1st of August was the period fixed for distribution. The hon. Member for Windsor (Mr. Vansittart) had directed his attention to the state of the Legislative Council. He admitted it had not answered so well as he expected the purposes for which it was instituted, though he believed a great deal of injustice had been done to it, and, without giving any pledge on the subject, he would seriously consider whether some alteration might not be made in its constitution. There could be no doubt that some reduction might be made in the naval expenditure, but during the present Session he had experienced difficulty enough in dealing with the Indian army. Then as to the amalgamation of the courts, he should have been very happy if he could have attended to that subject this year, but the same obstacles which prevented legislation on other subjects had prevented it on that also; but he hoped early next Session to be able to introduce a measure for that purpose. He had always encouraged the construction of railways on the most liberal terms between the Government and the companies, but he was not prepared to say that full and open

competition to an unlimited extent would be the best mode of procuring railway materials. In sending out such materials to India—he alluded particularly to rolling stock—it was essential to see that they were constructed by competent persons. He could not agree with the hon. Member for Sheffield that the Customs' duties were imposed for protection, and not for revenue. The hon. Member for Perth (Mr. Kinnaird) had misunderstood what he said on the subject of irrigation. What he stated was that he hoped the Madras Company would undertake the Orissa works without a guarantee, but that, if they declined to do so, the Government was prepared to undertake the works themselves.

Resolution agreed to.

Resolved,

"That it is expedient to enable the Secretary of State in Council of India to raise money in the United Kingdom for the Service of the Government of India."

Resolution to be reported *To-morrow*, at Twelve of the clock.

FORTIFICATIONS (PROVISION FOR EXPENSES) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee)

Clause 8 (Annuities payable and transferable at the Bank).

Clauses 1 to 7, inclusive, *agreed to*.

Mr. HUBBARD said, he rose to propose that the following words should be added to the clause:—

"The Commissioners of Her Majesty's Treasury shall append to the contract made with the contributors to this loan a schedule, wherein shall be separately stated the amounts of interest on principal moneys unpaid, and of principal moneys to be discharged, forming together the sums of the several half-yearly payments of the annuities to be by this Act created; and the Bank of England shall, in the half-yearly payment of the said annuities, describe on every dividend warrant the amount of interest and the amount of principal moneys therein discharged."

It was an objection to the present mode of paying annuities that there was no accurate statement of the public accounts, so that it was impossible to tell accurately what the national debt really amounted to. The last account made it £786,000,000, and the interest thereon £28,000,000; but of that £28,000,000, £4,000,000 were paid as annuities. Moreover the income tax was levied upon the portion of annuities, which was a repayment of capi-

tal as well as of that which constituted interest. That was an injustice that ought not to be perpetuated, and when a new series of loans was about to be commenced it was a good opportunity of amending a system which entailed a considerable additional expense upon the country. He did not propose any Amendment touching the essential principle of the Bill—that the whole amount should be repaid in thirty years, but he asked the Committee to sanction a schedule by which the stockholder would every half-year find upon his dividend warrant the amount of capital that had been repaid and the amount of interest which he was receiving upon the balance. He would then be taxed only upon the interest, and not upon the repayment of capital. Upon the same principle the loan might be carried out by means of Exchequer bonds repayable at certain fixed periods; but there was an advantage in terminable annuities that capital and interest could not be severed. In one loan that was contracted upon annuities the terms were equal to £5 4s. per cent, while money could be borrowed upon Consols at £3 8s. The large difference was partly owing to the fears of capitalists concerning the income tax, and the present was a good time for altering the practice.

Mr. W. WILLIAMS said, the statement made by the hon. Gentleman (Mr. Hubbard) was merely a repetition of what he had urged on former occasions; and although it might be more convenient for the Bank of England to advance the money in the way proposed, yet he (Mr. W. Williams) should prefer having the money raised in the manner proposed by the Chancellor of the Exchequer—by terminable annuities.

Mr. HANKEY said, he thought the hon. Member for Lambeth had misunderstood the object of the hon. Member for Buckingham. That hon. Gentleman did not say anything that could lead the Committee to suppose that the Bank at all wished to make the loan a perpetual one. The effect of his hon. Friend's suggestion would be to relieve from income tax that portion of the annual payment which was a return of capital. That would open a very wide and very difficult question, and he did not think that it would be wise for the Chancellor of the Exchequer at that moment to change the principle upon which annuities had hitherto been charged as income. If a man purchased the goodwill of a business, the income which he derived

from it was in part a repayment of the capital which he had expended, and he would have as much right to be exempted from income tax on that portion as had the annuitant. If the income tax was to be arranged upon such a principle its collection would be impossible, and as they were not prepared to abandon it they ought to take care not to clog it with such conditions as would render its collection more difficult than it already was. His hon. Friend had referred to the loan of £16,000,000, and he would state to the Committee some facts connected with the Irish famine loan, contracted about the year 1847, which would show that it was not always so economical to borrow by means of Consols as his hon. Friend supposed. That loan was issued in 3 per cent Consols at about 89½ per cent. During the following six years the Commissioners for the Reduction of the National Debt redeemed out of the surplus income of the country stock to the amount of rather more than £8,000,000, or the whole of that loan. The loan was contracted for at 89½, but the stock was repurchased at an average of 97 per cent. Thus, during six years the public had to pay 9 per cent more than they had received, or about 1½ per cent per annum. Adding this to the exact rate of interest paid—£3 7s., it appeared that this money was raised at not much under 5 per cent. That showed that the issue of Consols was not at that time, and under even favourable circumstances, an advantageous mode of raising money. His hon. Friend had said that one of the disadvantages of borrowing on terminable annuities was, that every contractor would necessarily allow such a margin in his bids as to secure him against the contingency of a high rate of income tax. As regarded the interest, this would apply equally to Consols; and the difficulty, therefore, only arose specially upon that part of the annuity which was a repayment of capital. He would not discuss the question what would probably be the average rate of income tax during the next thirty years, but he did not think that the uncertainty as to that would have such an effect upon the mind of the public as to render this mode of borrowing more disadvantageous than that which was adopted in the case of the loan of 1847. The termination of any amount of Government debt was a matter of so much importance that he must press the Chancellor of the Exchequer to follow the precedents, and to adhere to the proposition which he had

Mr. Hubbard

made as to the method of raising of this money.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to call the attention of the Committee to the fact that though two subjects had been discussed in the conversation, only one of them was for any practical purpose before them. The question whether they ought to borrow on terminable annuities or on permanent annuities formed no part of the subject really before them. He must say, however, that his hon. Friend (Mr. Hubbard) was somewhat bold in his assumption when he said that the difference between borrowing on Consols in 1855 and borrowing on terminable annuities was as £3 8s. to £5 per cent. The difference was not as stated by his hon. Friend, as the hon. Member for Peterborough (Mr. Hankey) had shown in the clear and simple illustration which he had given, and he might add that the hon. Member for Peterborough had rather understated his case, as the period of six years which he took was not the *maximum*, but the *minimum* period on which he might have based his calculation. Further, his hon. Friend should recollect that the loan of 1855 was not two separate transactions, but one and the same loan, so that it must ever be matter of uncertainty what the lender gave for the perpetual sum and what for the terminable annuity.

With reference to the actual question before the Committee, his hon. Friend who moved the Amendment said the amount of the public debt did not distinguish between the payment of interest, and the repayment of capital. It did not do so, but really that was a matter of small importance. What the public wanted to know was the annual charge of the debt. The minute question how much was interest, and how much was capital, was a calculation which every man made for himself; but it was not of practical moment that it should be presented to the public in the annual statement of accounts. His hon. Friend did not put his case as the ground of defending the interest of the future proprietors of the terminable annuities. The truth was they were in no danger whatever, and his hon. Friend did not rest his case on that ground. The question as to the incidence of the income tax on such annuities had been raised long ago, but no income tax was in existence when terminable annuities were first introduced; and the whole groundwork of the argument against them, in its connection with the

income tax, disappeared if the contract for the annuities was made at a time when the income tax was in force. It was, in his estimation, impossible to adopt the system proposed by his hon. Friend and not endanger the whole foundation on which the income tax rested. Some people he knew wished to reconstruct the whole system of the income tax, and his hon. Friend was one of them. He now proposed to introduce the thin end of his scheme, but he hoped the Committee, before they adopted it, would seriously consider the consequences to which it would lead. His hon. Friend's argument as to the economy of his proposal was not so very clear as he seemed to suppose. He said it would lead to greater economy in future years; but the House of Commons did not give by the Bill before them any judgment whatever, either as to the precise amount they might raise in future years, or the manner in which that amount might be provided. It would be quite open for the House of Commons next year to borrow in Consols, or not to borrow at all, or make any other provision. What they had before them was a limited operation, and there was a clause in the Bill, the 17th, which authorised the Treasury to bring the annuities now to be contracted into the category of the annuities of 1855, and, by placing them on the same footing as those annuities, enlarge the stock instead of creating new and limited stock. The creation of a multitude of new and limited stocks was inconvenient. It was better to have the stocks few and large. The annuities of 1855 had got twenty-five years to run, and the most expedient mode of action might be, to put out the new annuities in all respects in the same condition as the annuities of 1855, and the economy of making them part of existing stock might counterbalance any disadvantage they might have to encounter in the element of uncertainty. He believed that the Government had come to a right conclusion on this question, and therefore he trusted that the Committee would not give its sanction to the proposal submitted by his hon. Friend.

MR. HUBBARD replied. The hon. Member (Mr. T. Hankey) had levelled his argument, not at what he had said to-day, but what he said last week. The hon. Member's illustration was the worst he could have used, for he had picked out the loan of 1847, when a panic prevailed, and when the Government borrowed at a disadvantage. If that loan, too, had resembled

the present, the period of thirty years would not have expired, and the time would therefore not yet have come for repayment. There was no affinity whatever between the two cases. In the addition he proposed to the clause, he had not said a word about the income tax. He did no more than tell the truth, and he could not help thinking that a deplorable state of things had arrived when the Chancellor of the Exchequer deprecated telling the truth in a matter of finance. Such a shrinking from facts he could not help thinking was not worthy either of the House or the country.

Amendment negatived.

Clause agreed to, as were the remaining Clauses.

Schedule,

SIR FREDERIC SMITH said, he rose to propose to reduce the sum for Portsmouth by £200,000. The whole sum proposed to be expended at Portsmouth was £1,920,000, of which it was intended to take £580,000 in the present year. The outlay was to be divided between the Needles, the Isle of Wight, Portsdown, and Gosport barracks. Opinions differed, however, as to the value of some of these defences. Sir John Burgoyne was against the construction of some of the proposed works at the present moment. The Commissioners, on the other hand, designed to erect the works without the protecting links, which would leave them very incomplete. It was a great mistake to execute works of such an extent as would require enormous garrisons to defend them. It would be far better to construct works on a more limited scale, but as strong as they pleased, provided they could well garrison them. Take the Chatham lines, for example. They were about a mile in extent, and would require from 8,000 to 10,000 men to defend them. Double their extent, and they would require 20,000 men. But if they strengthened the same works by making a covered way and raising the walls, 5,000 men would suffice to hold them. He had to complain that men like Sir Hew Ross, Admiral Chads, Admiral Richards, and Sir William Parker, had not been summoned to give evidence before the Commissioners. Lord Seaton and the gallant Member for Westminster—men who had commanded armies, and who could tell where we could place our forces in order to be able to meet an enemy—ought also to have been examined as witnesses. The proposed expenditure at Dover, like that at Portsdown Hill, would

be money thrown away; while, on the other hand, the whole outlay for the defence of the Thames was to be £180,000, of which only £60,000 was to be expended in the first year. Why not take the whole £180,000 at once, and complete the works for the Thames without delay? We saw that the New Zealanders could throw up earthworks in a few days, and surely, with our advantages, we could execute field-works on the shortest notice. He hoped that the scheme for so greatly enlarging the works of Dover would be given up, and that the money asked for would not be applied to Portsdown Hill. There might be a hot fit just then, but a cold one would follow in another year, and the works at Portsdown Hill would not be finished.

Amendment proposed, in line 5, after "Portsmouth," to leave out "£580,000," and insert "£380,000."

SIR FRANCIS GOLDSMID said, that a careful perusal of the Report induced him to support the Amendment of his hon. and gallant Friend. It was clear that, in order to show the expediency of sea defences, it was only necessary to point out the probability that an enemy's fleet, giving the slip to ours, might run in and bombard our docks. On the other hand, the demand for land fortifications must proceed upon the supposition that the enemy would think it worth while to incur the enormous risk of putting troops on shore in order to attack the docks from the land side. Now, he thought the Commissioners had made out a good case for the establishment of sea defences; but they had made out no case for the fortifications on the land side which they recommended. They applied a magnifying glass to everything that could tend to facilitate the invasion of this country; and, on the other hand, they used the best optical instrument they could find to diminish the apparent size of objects when they came to look at our means of resistance. In the third paragraph of their Report they advanced the extraordinary proposition that if for a time our fleet lost the command of the Channel our insular position would be rather a disadvantage to us for defensive purposes, because it would enable the enemy to select any part of the coast they pleased to effect a landing; and they referred to the experience of the late Russian and Italian wars in support of this proposition. Now, in the first place, he thought there was no ground for the apprehension that the English fleet would

Mr. Hubbard

ever lose the command of the Channel; and in the next it should be remembered that the Russian fleet never had the command of the sea, and the allied commanders were, therefore, able to lay their plans just as though the Russians had had no fleet whatever. Could even the Commissioners fancy there was any ground for supposing that the English fleet would ever be reduced to a similar position? The Commissioners treated somewhat contemptuously the facilities for defence afforded by our railroads and telegraph. But every other military authority considered these facilities, which the Russians did not possess in the Crimea, to be of the very highest importance. He submitted, therefore, that the Russian war had no bearing on the question. Neither could the landing of the French troops in Italy during the late war; for the French army landed at Genoa, one of the best ports in Europe, belonging to an active and zealous ally. What inference could be drawn from that, applicable to the landing of an army in England, probably on an open beach, in the face of an opposing force, and certainly in the midst of an earnestly hostile people? Why, by the same process of reasoning he could prove that it was perfectly easy to take the fort of Ehrenbreitstein; for he had more than once entered that place, without the garrison daring to oppose him, when he had the permission of the commandant to view the fortifications. But without this permission a skilfully led army could probably not have entered. Yet it was in reliance on logic such as that of the Commissioners, inferring what can be done against energetic resistance, from what can be done when there is no opposition, that the House was about to impose heavy burdens on the taxpayers of the country. The improvements now making in gunnery threw additional doubt on the propriety and expediency of erecting these fortifications, and that doubt applied with greater force to land than to sea fortifications. It was already thought necessary to erect the sea defences on the points farthest seaward that it was possible to find; and even if further improvements took place in long range artillery, we could not be asked to build forts on places more seaward, because no such places could be found. On the other hand, if immediately after land defences should have been erected four or five miles from a dockyard, a future Whitworth should increase the range of artillery to seven or eight miles, we might be told that the

forts just completed had become wholly useless, and it might be found necessary to carry those defences still further inland. He thought, therefore, that it was desirable that as far as possible our expenditure for the present should be confined to our sea defences, and as the Motion of his hon. Friend would only delay that part of the works as to the expediency of erecting which there was the greatest doubt, he hoped it would find favour with the Committee.

MR. SIDNEY HERBERT said, he hoped the Committee would not be influenced by the authority of his hon. and gallant Friend, high as it was, to give their assent to the Motion. It was said they had not sufficient evidence on this subject. His hon. and gallant Friend had asked why they had not examined Sir Hew Ross. Why, if they had wished altogether to shelve the matter—to stave it off entirely—they could not have done better than go hunting about for men of reputation in the army and examine them; but the Commissioners had taken evidence at considerable length, and that evidence was of the most distinct and satisfactory character. With regard to Portsdown Hill, until he heard this discussion he could not have conceived that any body of men could be found to say that, in defending Portsmouth, of all places in the world, they should omit Portsdown Hill. [MR. BERNAL OSBORNE: You could not take an army there.] Yes; let them fortify Portsmouth to the sea, to the east and to the west, and leave it open to the north, and they would find an army there. An enemy would not come and attack us where we were strong, or neglect to attack us where we were weak. They had been told a few nights before by the hon. Member for Brighton (Mr. White) that the strength of a chain was its weakest point. Now the Motion of his hon. and gallant Friend would purposely leave a weak point—the only weak point in which they could attack Portsmouth. What the Commission recommended was what every officer had proposed, except his hon. and gallant Friend, who had been commanding officer at Portsmouth. But a new state of things had since then arisen with the long range. General Shaw Kennedy had recommended Portsdown Hill for fortification works, and Sir William Napier agreed with him. General Shaw Kennedy had published a letter in the newspapers, in which he entirely agreed with the plan of the Commissioners, which he declared to be an ad-

mirable plan if Government had only the courage to adopt it. Sir John Burgoyne, in November, 1858, before the Commission had given evidence confirmatory of these views. Last year the question of the long range arose. Sir John Burgoyne gave evidence before the Volunteer movement, and said he did not see where they could get troops; if they could get troops, he said, they should defend Portsdown Hill. Last year another document was signed by Sir John Burgoyne as to the means of defending Portsmouth now we had got the long range, and in that he expressed his opinion of the importance of fortifying Portsdown Hill, as the whole dockyard could otherwise be bombarded from it. Having got the Report of the Commission, it was submitted to a Committee, consisting of the noble Lord at the head of the Government, the First Lord of the Admiralty, and another Cabinet Minister, who were assisted by the Duke of Cambridge, the Commander-in-Chief, Sir John Burgoyne, Inspector-General of Fortifications, Sir Howard Douglas, and others. It was decided that the sea defences should be taken first, because they were of most importance. Accordingly they were now taking the sea defences, and were going to spend all the money they could on such limited works in one year. The land-works were regarded as only of secondary importance to complete the protection of the dockyard. They had for these fortifications the authority of Sir John Burgoyne, Sir Howard Douglas, Colonel Shaw Kennedy, and of the whole Commission. And yet they were told they had no authority! The gallant Officer (Sir Frederic Smith) talked of field-works on Portsdown Hill. It should be borne in mind that the hill was composed of hard chalk, that there was not a sod of any thickness on the top of it, and that field-works could not, therefore, be rapidly constructed upon it. Ours was not a military country. Was it wise, then, to postpone to the last moment works which, in the hour of need, would be of the greatest importance, and which it was acknowledged must be erected in the end? The gallant Officer owned that they must be made ultimately. Surely it would be far wiser to construct them in good time. Allusion had been made to the deficiency of barrack accommodation in England. Our barracks were now overcrowded to the extent of 25,000 men. But these forts would be barracks. There was no reason why we should not build barracks so as to form an

element in our defences. It was asked why they did not take more money for the sea defences; but the reason simply was that they were advised by competent persons that the sum they had taken was as much as could be spent in the year. The truth was, we had gone on for years nibbling at this matter of fortifications. The persons engaged on the works did not believe they would be carried out so as to become solid and complete lines of defence, and the consequence had been a disposition to "scamp" the work. Here, at last, was a complete and comprehensive plan, and immediately a demand was raised for the omission of a small but important part of it, all for the sake of showing superior acumen and powers of criticism. When they were about the work, why not do it thoroughly and completely at once? The object of the fortifications was not so much to resist as to deter attack; and as long as one weak point was left that object would not be secured. The enemy were as acute as ourselves, knew all our weak places, and the point against which they would direct their attack would be one of those places. He earnestly hoped that the Committee would not accede to the proposition of the hon. and gallant Member.

COLONEL DICKSON supported the Amendment. These land defences were not necessary, as he believed it was utterly impossible, with the use of the commonest precaution, that a foreign army could invade our shores. We had not a sufficient army to man such places as Portsdown Hill, and it would be throwing money away to fortify that place, unless the army was increased. He thought the state of the militia was most unsatisfactory. In England, Scotland, and Ireland only 38,852 of the militia had been trained during the last year, and there was no security that the number would not be less next year. He thought that our money had better be devoted to an increase of the army and of the militia, than to the erection of these land defences, and had therefore great pleasure in supporting the Amendment of his hon. and gallant Friend.

MR. NEWDEGATE said, that all the warnings which had been given of the insufficiency of our naval defences appeared to be totally forgotten in the Committee. It was admitted by the highest authorities, both naval and military, that our naval force was insufficient to guard our coast, and to say that invasion was impossible was therefore to contradict the evidence of

the most competent witnesses. In the Russian war they all knew how readily an army was transported across a far wider sea than separated France and England, and disembarked with safety and rapidity on a foreign shore. It was essential to convince the people that the Government and the House were proceeding in a workmanlike manner. If he could believe that the works at Portsdown Hill were wholly unnecessary he would vote against them; but they were recommended by authority of such weight, that he would not accept the responsibility of doing so. There was, however, one proposal which he thought might very well be postponed, and that was for the central arsenal. The work was not included in the first Report of the Commissioners, and it was obvious that it could only be of use after the Metropolis was in the hands of an enemy, and the forces of this country were falling back towards the north of England. He was in favour of removing the military stores from Woolwich, but Weedon was a better site in every respect for an arsenal, except that it was not favourable for permanent fortification. The proposal was to make, not merely an arsenal, a central fortress, and it would render the whole scheme liable to misrepresentation. It would lay the Government open to the imputation that they sought such a fortress as a protection against the people of this country, and would damp the energies which were now directed towards making provision for the construction of defences which were really necessary.

Mr. BAILLIE COCHRANE said, he thought they were acting with great inconsistency towards the Emperor of the French, at one moment treating him as an ally in whom they had the greatest confidence, and the next as the representative of a power against whom they were to guard themselves at an enormous expense. He should support the Amendment.

Question put, "That £580,000 stand part of the Schedule."

The Committee divided:—Ayes 79; Noes 28: Majority 51.

Schedule agreed to.

House resumed.

Bill reported, without Amendment; to be read 3^d To-morrow.

House adjourned at half after
Two o'clock.

HOUSE OF LORDS,

Tuesday, August 14, 1860.

MINUTES.] PUBLIC BILLS.—1st Consolidated Fund (£10,000,000); Spirits.

3rd Chancery Evidence Commission; European Forces (India); Poor Law Board Continuance; East India Stock Transfer, &c.

SYRIA.—QUESTION.

LORD STRATFORD DE REDCLIFFE: My Lords, I have given private notice to my noble Friend the Under Secretary for Foreign Affairs of certain Questions which I wish to put to him before your Lordships proceed to the business of the day. The first relates to the state of affairs in Syria. I wish to ask my noble Friend whether any orders have been given directing one of the armed vessels belonging to Her Majesty's squadron in the Mediterranean to proceed to Smyrna, and other large towns on the coast of the Archipelago, for the protection of British subjects and property during the present disturbed state of Syria, and during the apprehended danger of other outbreaks in other districts of that country. I received only yesterday a letter from Smyrna which, although it is of a private kind, goes so much to the point that in justification of my question I will venture to read it to your Lordships. My correspondent, residing in Smyrna, writes in these terms:—

"Smyrna, August 3.

"The alarm here is still great, and I should be glad to see a vessel of war. I have no fear of the Mahomedan residents of Smyrna taking the initiative in any move against the Christians, for they are in a minority. What we have to fear is a fire, or any dispute between Turks and Greeks, in which eventually there might be fearful results. We have also another cause for alarm. The migratory races in the interior amount in all within the pashalick to 110,000. Throughout the Mahomedan population in the interior there is much discontent against the Turkish Government. Should any move take place, it is impossible to say whether a spirit of fanaticism or jealousy might not lead them against the Christians. The consequence of the alarm is a very great check to trade, and the fear which is felt at Constantinople does not improve matters. I hope the storm will blow over; still, I cannot refrain from repeating that I should be most happy to see a vessel of war here, not only for the protection of the interests of nearly 5,000 under British protection in and near Smyrna, but also as a check upon the evil-disposed. When the outbreak in Syria was first known vessels of war should have been sent to all the principal ports in Turkey. At all events, one should have been sent here, where there is so large an amount of British interest at stake."

It is not at Smyrna alone that alarm is expressed. In a letter which I have received to-day from Constantinople, dated the 1st of August, there occur these expressions, which I have extracted as briefly as possible:—

“Another cause of mischief here is the strong impression that Europe will never unite together against the mismanagement of Turkish Administration. But if the Turkish Ministers were once to see at least England and France agree together on this point, you would see them act quite differently. . . . There could not, I believe, be a better or more justifiable opportunity for making a last effort to save this country, which is sure otherwise to perish, than since the last awful occurrences in Syria have fixed public attention to such an extent. Any attempt again to patch up things in the usual diplomatic way will, you may rest assured, end in no practical result, and only postpone the evil moment. . . . The public mind has been very much excited of late by passing events, and strong apprehensions are still entertained of some eventual outbreak in the capital. Poverty and discontent prevail more or less almost among every class and community. One cannot tell what may be the result of all this without some prompt and efficient change.”

I think that the language of these letters, which come from persons of respectability and much experience, justifies me in attaching importance to the answer which I may receive from my noble Friend. It also justifies the opinion which I have already expressed, that these disturbances in Syria are not reparable to local causes alone, but are immediately connected with the general condition of the Turkish empire, the state of the public mind, and the weakness of the policy of the Government, arising from a long habit of vicious administration. And I cannot refrain from saying that a very serious responsibility will devolve upon Her Majesty's Government if occasion is not taken to press upon the Turkish Government the adoption of that system of reforms to which they are pledged in every possible manner—pledged in honour as well as by interest—and to their own subjects as well as to Europe at large. I have already expressed my firm conviction that, unless some stringent measures, such at least as are within the law of nations and the limits of moral and diplomatic action, are adopted with more vigour than has hitherto been shown, it will be impossible for the Turkish Government to preserve its authority so as to prevent the recurrence of such disturbances as those in Syria, or of events still more important, not only to Turkey, but to Europe. I do hope that when the measures which are now being taken for

restoring tranquillity in Syria have had their effect, they will extend to the prevention of a repetition of such occurrences as have recently taken place. I hope measures will be adopted which will interpose a barrier between the races, the contention between whom has in part given rise to these events, and which will at the same time prove beneficial to the general interests of the Turkish Empire. I do not hesitate to express my opinion that, if circumstances appear favourable to the measure, it would be very desirable that the contending tribes should no longer be allowed to occupy, in the form of a mixed population, the same villages where, from their constant proximity, feuds are engendered, and the Turkish officers have opportunities for interference or non-interference, both of which are equally disastrous. It is satisfactory to observe that measures, apparently of an efficient kind, have been adopted at Damascus; but there are circumstances which make me apprehend that if care is not taken those measures will stop with the mere repression of the local disturbances. In the letter from Smyrna from which I read an extract, it is stated that Kurschid Pasha had arrived there, not, as one would have expected after misconduct which had been so favourable to the extension of these atrocities, under arrest or in any disgrace, but in possession of all his honours, and with his flag flying on the boat which took him on shore, and that he was passing his time apparently without the slightest anxiety or any apprehension of punishment for his misconduct. One cannot help seeing in that a mirror of the state of the ministerial mind at Constantinople; and I must say that it seems to me to be a reason why Her Majesty's Government, and the other Powers who are taking part in the suppression of these disturbances, should be careful not only to put them down for the present, but to adopt comprehensive measures to prevent their recurrence. This is not the occasion on which to go further into the subject; but the circumstances are so important that I should have failed in my duty if I had not addressed these few words to your Lordships.

LORD WODEHOUSE: I am not able to state that positive instructions have been sent to the Admiral in command in the Mediterranean to despatch a vessel to Smyrna. It is true that at that place, as at a great number of other towns through-

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out the Turkish Empire, there was and still is great apprehension. What has been done has been to send Admiral Martin with a strong squadron to the Syrian coast with instructions to give all the assistance in his power to the efforts made for the protection of life and the restoration of tranquillity. He will naturally direct his ships to those points where they are most required, and any order to send a vessel to a particular place might disorganize plans which will be better formed and carried out by him on the spot than they could be by orders from home. At the same time I quite admit the importance of keeping a watch upon what may take place at Smyrna; because that town is a very important one, and from the number of Christians it contains, and the agitation which prevails among the neighbouring population, is in a peculiar position. I may take this opportunity of stating that my noble Friend at the head of the Admiralty has informed me that the squadron which is now actually upon the coast of Syria consists of the *Exmouth*, the *Marlborough*, the *Victor Emmanuel*, and the *Neptune*, line-of-battle-ships; the *Ganges* and the *Liffey*, frigates; and the *Hawke*, *Raccoon*, and *Caradoc*, corvettes. My noble Friend having alluded to Kurschid Pasha, I may state that the most recent intelligence which we have received leads us to think that Fuad Pasha has taken measures for causing an inquiry to be made into his conduct. He would not allow him to land at Beyrout, and Kurschid was, as we understand, about to be sent to Constantinople under arrest. No doubt, the conduct of Kurschid Pasha was more than suspicious, and requires strict investigation; and, if it should turn out that he is guilty of those acts of which he is accused, severe punishment. As regards the general state of Syria, and the measures to be adopted, at present all the energies of the Turkish authorities and of the Allies of the Porte must be directed to the restoration of tranquillity. When peace has been restored it will be the proper time for considering the various plans to which my noble Friend has referred for settling affairs upon a better basis. With respect to the reforms which both the present and previous Governments have pressed upon the Porte, what we want is not only that they should be conceded on paper by the Sultan's Ministers, but that some vigorous and energetic measures should be adopted of a kind calculated to restore confidence in the

public mind and to produce a better state of finance. Until more vigour and determination of purpose is shown by the Turkish Government, the concessions, valuable as they may appear, will not produce the results which are desired.

THE MARQUESS OF NORMANBY said, their Lordships were much indebted to his noble Friend (Lord Stratford de Redcliffe) for keeping their attention alive to a subject of such profound interest, and one with regard to which nobody could speak with greater authority. On a recent occasion, when this matter was referred to in that House in his absence, a disposition seemed to have been evinced rather to view the affairs of Syria in a sectarian spirit. Nothing could be more unfortunate, both for the result that we all desired and for our own character throughout the world, than that we should appear to consider these most grievous events with any sectarian partiality or political jealousy.

LORD STRATFORD DE REDCLIFFE:

I have to thank my noble Friend for the candid manner in which he has answered my first question. But I must be allowed to say that I think attention ought to be paid, not only to the requirements of Syria, but also to the protection needed for other parts of the Archipelago. If I may take the liberty of offering a remark on the Convention which has been laid on the table, I cannot but express the regret I personally feel that more care was not taken to combine the two objects which Her Majesty's Government and others must desire to see accomplished—namely, that the Turks themselves should be obliged to put down the disturbances in the first instance, and should have a sufficient opportunity for doing so. For, although I for one, do think that European troops might be trusted in Syria on this occasion if necessary, and hope that a sentiment of sound judgment and true honours may direct their operations, yet every one is aware that this is a necessity which ought, if possible, to be avoided. I am of opinion that additional chances might have been given in favour of avoiding that necessity if at the outset the Turks had been called upon to put down the outbreak and to punish its authors. A short time might have been granted for that purpose, and in the event of their failing to carry out the requisite measures, then European troops might have come in with greater effect and greater propriety. Even in that case a

risk might still have accompanied the intervention, owing to the delicate nature of the emergency, and the chances that other circumstances may arise to alter the position of an army of occupation. I must say I think it would have been better if that course had been adopted. However, it is very satisfactory to find that progress has been made, and that a degree of energy and efficient action has been employed to put an end to these disturbances.

GREECE.—REPORT OF FINANCIAL
COMMISSION.—QUESTION.

LORD STRATFORD DE REDCLIFFE:

My Lords, I now pass to the other Question which I wish to put, which relates to the affairs of Greece. Your Lordships are probably aware that there have been questions for some time past between Her Majesty's Government and the Government of Greece, arising out of the loan which the three protecting Powers made to that country some years ago, and the arrears of interest, which have greatly accumulated. If I remember right a Mixed Commission was appointed some few years since, and I understand that within the last few months the result of that Commission has been sent to Her Majesty's Government in the form of a Report, which was previously communicated to the Greek Government. Considering the interest which has always attached to the Greek kingdom as being the creation of the protecting Powers, it is impossible not to feel a lively concern in the affairs of a nation so remarkable from its character, its antecedents, and the activity with which its commerce is carried on. It seems to me very desirable that the Report of that Commission should be laid before this House, with the view of being made known to the public at large. It would, therefore, give me great satisfaction to learn that Her Majesty's Government will direct these papers to be presented to us in the course of the present Session, or, if that cannot be done, that they will, at least, be placed in our hands at the next meeting of Parliament. I cannot refrain from taking this opportunity of saying that I have some knowledge of the manner in which the Minister who has been principally intrusted with the management of this affair has discharged his duties, and that it has afforded me the greatest satisfaction to find that a gentleman of his high character and accomplish-

ments, who was well known in former times as a Member of the House of Commons (Sir Thomas Wise), should have been chiefly instrumental in bringing this matter to a conclusion. It would give me additional gratification to hear that his labours have received the approbation of Her Majesty's Government, and that his exertions will be so followed up as to produce that improvement in Greece, and that stimulus to its further progress, which we must all desire to witness. I beg, therefore, to ask my noble Friend, Whether it is the intention of Her Majesty's Government to communicate to the Houses of Parliament, during this Session, the Report, with its annexed papers, of the Mixed Commission appointed to inquire into the state of the Greek finances with reference to the loan and arrears of interest for which the Hellenic Government is answerable to England, France, and Russia?

LORD WODEHOUSE: The Report of the Commission on the financial affairs of Greece has already been presented to the other House of Parliament; and there can be no objection to laying it also on your Lordships' table. The annexed papers are, however, very voluminous; and it was not thought advisable to produce them also; but, of course, there will be no objection to lay them before your Lordships, if desired. The Report is a really important and interesting document. I cannot avoid taking this opportunity of observing that my noble Friend has paid a very just tribute to the exertions of Sir Thomas Wise, who, I am happy to state, was most cordially and ably supported by the co-operation of his Russian and French colleagues. This Commission for examining into the finances of Greece was entered into by the three Powers, with a degree of good feeling and earnestness of purpose which reflected the highest credit on them all; and I am quite sure that if the Greek Government only carries out the reforms which they have recommended, it will confer lasting benefits on its country. It was suggested that a certain sum—£36,000—should be paid by Greece, year by year, towards the extinction of the loan; and I think that, as a proof of the solvent condition of the Government of that country, it is very desirable that such a course should be pursued. But what the Commissioners had most at heart was, that the Greek Government should execute the reforms they have recommended after the most careful investigation of the whole financial

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position of Greece. If those recommendations are honestly and sincerely followed out, I repeat my confidence that Greece may look forward to a degree of prosperity which has never yet been witnessed since she was created an independent State.

LORD STRATFORD DE REDCLIFFE was very glad to hear the animated tone of his noble Friend in respect to internal reforms in the kingdom of Greece. He would rejoice to see reforms pressed with the same spirit upon the Turkish Government.

GAS METROPOLIS BILL.

REPORT.

Amendments reported (according to Order).

On Motion that the Report be received.

LORD STANLEY OF ALDERLEY said, he desired to see the provisions of this measure made to accord with its professed object—which it certainly did not at present—namely, the advantage and protection of the consumers of gas.

LORD WYNFORD said, he had proposed an important Amendment in this Bill, but was told by the Chairman of Committees that the object aimed at had been secured by another measure—he referred to the means which were necessary for securing the accuracy of gas-meters. It was no use appointing an Inspector as to the quality of the gas or fixing its price unless the Inspector had power to examine the meters and see that they were in a just and proper state. Scarcely one in fifty of the gas consumers in town knew anything about gas-meters, and they were exposed to be charged very much more than they were fairly liable to pay if the meters were not correctly kept. It was easy in this way at once to raise the price of gas from 2s. or 2s. 6d. to 4s. 6d. per 1000 feet.

LORD LLANOVER said, that there was extreme difficulty in passing any Bill through the other House of Parliament if it touched the interests of gas, railway, or water companies. The moment a Bill affecting any such companies was introduced in the other House, the pressure put on Members for the purpose of opposing it rendered it almost impossible to pass any good or beneficial measure as regards the interests of the public. The present Bill when introduced in the other House was a good Bill, affecting consumers, and certainly not interfering unne-

cessarily with the interests of the companies. It was referred to a Select Committee, which was presided over by Mr. Sotherton Estcourt, than whom no one was better qualified for the office. As soon as the Bill had been referred to this Committee all the gas companies in the metropolis appeared *en masse* against it. There were thirteen of them, represented by eight or nine counsel, and as many Parliamentary Agents. Having sat eighteen days, the Chairman intimated to parties what were the intentions of the Committee in regard to the provisions of the Bill, and the alterations they intended to make. No sooner was that announcement made, than the counsel for the gas companies “threw up,” and said they would appear in “another place.” It was generally understood that they would appear in their Lordships’ House. Not at all. The agents of the gas companies in London sent out circulars to all gas companies in the provinces, calling on them to instruct their Members to oppose the Bill in every possible way, because it would not only materially interfere with the interests of the gas companies in the Metropolis, but indirectly with all the gas companies in the United Kingdom. That was their course of proceeding; what was the consequence? When the Bill went into Committee of the Whole House, great influence was brought to bear upon it, and alterations were made which reduced it to a worse state than it was in now—for it was only in consequence of the Bill having been referred to a Select Committee of their Lordships’ House that it had been materially improved. He had no hesitation in saying that in order to make it a good Bill as regards the consumer, and at the same time practically not to interfere improperly with the interests of gasmakers, great alterations must still be made in it, and it was a question now, whether at that late period of the Session it was desirable to proceed with it. The Bill had come up at the last moment at which it could be read a second time; but, before it could pass, great alterations must be made in it.

VISCOUNT TORRINGTON thought the Bill most injurious to the public interests; the community being handed over by it to the tender mercies of the gas companies, he felt it his duty to move that the Report of the Amendments be received that day three months.

LORD TRURO said, that the Bill had undergone a very elaborate investigation

by a Committee of the other House, and many improvements had been made in it, at the suggestion or with the consent, as he understood, of the gas companies. The right hon. Gentleman the Secretary for the Home Department had expressed the opinion before the Committee of the other House that there was no ground whatever for supposing that the companies had acted with bad faith to the public.

LORD STANLEY OF ALDERLEY hoped the noble Viscount would not press his Motion till he saw, on the third reading, in what shape the Bill appeared after Amendment. It might be possible to improve the Bill so as to make it acceptable to the public; but he confessed he thought it would be almost impossible to make it a good measure. There was one clause to which he must particularly call attention. An enormous sum of money had been expended in contesting the Bill, and the parties had introduced a clause by which the whole of that expense was to be defrayed out of the rate to be levied by the Metropolitan Board, whose whole duty it was to manage and conduct the sewerage of this town. He thought such a provision so monstrous and so wrong that he was inclined himself to move its rejection.

LORD REDESDALE thought it would not be quite fair to the parties concerned to press the Motion of the noble Viscount. This case showed the great inconvenience of entertaining such a Bill, which required so much consideration, at that late period of the Session. He must say, however, that it was only the extreme exertion of the noble Lord himself (Lord Stanley of Alderley) that enabled the Bill to pass the second reading. It would otherwise have died a natural death. Both parties having been subjected to the expense of contesting the Bill before that House, and the measure being now in the shape of a compromise between the parties, the noble Viscount should wait to see the shape it would assume in the third reading. The fact was that the gas companies, by agreement among themselves, with which the consumers could in no way interfere, already had the Metropolis at their mercy; and it was a mistake to suppose that this Bill was one exclusively in their interest. It would no doubt be desirable that some means could be devised for insuring perfect accuracy in gas meters, but he did not think the mistakes which occurred were invariably in favour of the gas companies.

Lord Truro

VISCOUNT TORRINGTON withdrew his Motion.

Bill to be read 3^a on *Friday* next.

EUROPEAN FORCES (INDIA) BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3^a.

LORD LYVEDEN said, he had been glad to hear the assurances given by Her Majesty's Government, and by the illustrious Duke the Commander-in-Chief, that there was nothing in this Bill to alter the relative position of the Governor General of India and the military authorities at home, and much had he been gratified to learn from the noble Lord (Lord Clyde) who had lately returned with so much glory from India, that there was a willingness on the part of officers of the Line, not only to serve, but to settle in India, if opportunities were afforded to them for so doing. But a subject which appeared to have been overlooked in both Houses of Parliament was the additional expense which would be entailed on the resources of India by the substitution of the Royal army for the local European force. Considerable diversity of opinion existed as to the amount of this expenditure; he should, therefore, be glad to hear a statement of the view taken by the Government, and of the mode, if any, by which it was proposed that this outlay should in future be kept under control. Under the Charter of 1813 the number of Queen's troops in India could not be increased beyond 20,000, unless on a requisition from the East India Company; and so strictly was the rule adhered to that during the mutiny, when the pressure for assistance was urgent, formal requisitions were sent on each occasion from the Directors to the Queen's Government for additional troops. In the Act of 1858 he could not perceive any equivalent, either by an Order in Council or any other means, for this check, which had now been abolished. Although he had never anticipated much usefulness from the Indian Council, he had not been prepared for the state of utter insignificance to which they had been reduced by recent occurrences. It was evident that there was nothing to prevent the Secretary of State for India, the Secretary of State for War, and the Commander-in-Chief from jointly determining to increase the forces stationed in India to

an extent which it would be impossible for the revenues of the country to bear—a consequence which could never have been contemplated by the Act of 1858. It was no imputation on a Minister to say that he would naturally be anxious that the forces under his control should be forwarded to India in the best possible manner, and that, where he had no responsibility for the finances of the country, he would be comparatively reckless of expense. Pending the discussion of this measure, a Commission had been appointed to inquire into the best means of carrying out the amalgamation or extinction of the local force, and it would be satisfactory to the public if the names of those gentlemen were stated. He, likewise, hoped the Government would have no objection to state whether any questions save those connected with amalgamation had been referred to them, such, for instance, as the enormous future expenditure entailed by the increased European force. It was important to know whether it would be practicable to maintain the higher rate of pay which had been granted originally in order that the Queen's troops might be placed on the same footing as those in the Company's service, and, indeed, whether soldiers sent to equally warm climates would be contented without equal allowances. His remarks were not dictated by any spirit of hostility to the measure, but proceeded from a desire to ascertain the steps which the Government contemplated to prevent the undue increase of the military establishments in India. With regard to the Council of India it seemed to him to be inflicting a severe punishment on honorable gentlemen to compel them to register edicts with the issuing of which they had nothing to do, and with regard to which their only liberty lay in entering their dissent after the question had been decided.

THE DUKE OF ARGYLL apprehended that his noble Friend had mistaken the lesson to be drawn from the despatches. The doctrine had been held by the late and by the present Governments that the Cabinet might fairly decide on questions of Indian policy, without consulting the Indian Council. No change from the previous system was thereby involved, as it had formerly been perfectly competent for the Cabinet to consult in secret from the Court of Directors. The Act passed in 1858 continued to the Council of India the same powers which had been possessed

by the Court of Directors in regard to the imposition of any charge on the revenues of India. Under the former Acts the Crown could not send out to India of its own motion a larger force than somewhere about 20,000 men; but if a larger force were sent out on the requisition of the Court of Directors, it was not in their power to insist upon the Government withdrawing them again from India. Of late years the statutory limit had been considerably overstepped. With regard to the increased expenses, as that was a subject on which the officers of the local army and of the Queen's army differed materially, the Secretary of State had referred it to a competent actuary, the result of whose examination was that the increase caused by the plan of the Government would be about £180,000. Mr. Hammil, however, had not taken into consideration the expense which would be incurred, if the Government plan were not adopted, by raising men in this country to fill up the ranks of the local army. Again, there would be an expense of somewhere about £318,000, a considerable portion of which would be an annual charge, such as half-pay and the like, incurred in reducing the Indian army. The question of expense, however, was a very small one compared with the grounds of imperial policy on which the question must be judged.

LORD WYNFORD pointed out that the noble Duke had not answered the question of the noble Baron as to whether any scheme had been laid down for the guidance of the Council on this matter. He complained of the tone in which the noble Duke had spoken of the services of the local army. It contrasted very unfavourably with the well-merited eulogy which had been passed on them by the illustrious Duke at the head of the army.

EARL DE GREY AND RIPON denied that the noble Duke near him (the Duke of Argyll) had depreciated the services of the local army, but certainly the illustrious Duke (the Duke of Cambridge) could not be charged with doing it scant justice. With regard to the question of the noble Baron, it was not a Council nor a Commission which Her Majesty's Government proposed to appoint, but a Committee. Lord Hotham had consented to act as the chairman; and the other members were—Colonel Sir P. Melvill, representing the Bombay army; Lieutenant-Colonel Norman, representing the Bengal army; Major-General Clarke, representing the Ma-

dras army; Sir C. Yorke, Colonel Wetherall, and General Russell.

Motion *agreed to*; Bill read 3^a accordingly, and *passed*.

LAW OF MARRIAGE.

PETITIONS.

THE EARL OF CLARENDON *presented* petitions from the Lord Mayors and corporations of London and York, and from upwards of 100 other large towns in England, for the Repeal of the law which prohibits Marriage with a deceased wife's Sister. At this late period of the Session, when so many of their Lordships, and particularly of the members of the right rev. Bench, had left London, he should feel it highly unbecoming to accompany the presentation of these petitions with any remarks calculated to provoke discussion. He should merely say, therefore, that he would not have undertaken to present them if he did not concur in their prayer, and regret the repeated decisions of their Lordships upon the question, which was one of great social, and, to many of his fellow-countrymen, of great personal interest. He believed, however, that a great change had taken place in the public mind upon the subject. There was a growing conviction that these marriages were not contrary to the Divine law, and he trusted the day was not distant when their Lordships in their wisdom and justice would consider that persons who contracted these marriages should not be treated by the civil law as transgressors, and that their children should not be visited with civil disabilities.

THE LORD CHANCELLOR thought it was a mistake to suppose that there was any change in the public mind upon this subject. Innumerable petitions had been presented on the other side during the present Session, and he believed that in England, Ireland, and Scotland the vast majority of the male, and almost the whole of the female population were against legalizing such marriages.

LORD WODEHOUSE also *presented* petitions in favour of marriage with a deceased wife's sister, and expressed his dissent from the statement of the noble and learned Lord on the woolsack, that the people generally were against any change in the law.

LORD REDESDALE believed, on the contrary, that the country was still as much averse as ever it was to the legaliza-

tion of marriage with a deceased wife's sister.

TELEGRAPHIC COMMUNICATION WITH INDIA.

OBSERVATIONS.

LORD STANLEY OF ALDERLEY wished to call the attention of the House to the present state of telegraphic communication with India. He complained that notwithstanding all the efforts made by the present and preceding Governments, and the large sums lavished in the expectation of carrying out a regular line of telegraph by land and sea to India *via* the Mediterranean, every scheme hitherto attempted had failed, and we were now in the same position as respected telegraphic communication with the East that we were in three years ago. The first attempt which was made was to procure a concession from the Porte to make a direct line from Constantinople to Alexandria, from thence to Suez, and on to Aden. A subsidy was granted for that purpose, and he stated at the time that, although it might be necessary, it was a very extravagant outlay of the public money. That line at this moment was completely destroyed and the outlay thrown away. The Government undertook to guarantee 4½ per cent on the expenditure of £800,000 or £1,000,000, without making its success conditional, or that it should continue in operation. It had now ceased to be of any use whatever. There was another line projected at the same time under the auspices of the Turkish Government, by which the Turkish Government undertook to make a line from Constantinople across Asia Minor to Bussorah; but there seemed as yet to be no satisfactory assurance that that line would ever be carried out, or any line involving the laying out a great length of ocean cable. After the failure of the Atlantic cable there was very little probability of cables laid in deep water being capable of working successfully for any length of time. He understood that a scheme had been started, towards which a subsidy of £3,900 had been granted for a line through the Austrian dominions by way of Corfu to Alexandria; but that line was objectionable on the ground that it would be necessarily under the control of a foreign Government. There was another scheme projected, which had been favourably entertained by the late Government, of a line from Falmouth to Gibraltar, and thence through our great Mediterranean fortress to Alexandria. This,

Earl de Grey and Ripon

in the event of war, would be undoubtedly the best mode of communication, being at once the most direct and entirely under the control of the Government. He had recently seen a proposition to divert the cable intended for that line to carry out a line of communication between Rangoon and Singapore at the joint expense of the English and Indian Governments, and he wished to know whether the Government seriously contemplated such a diversion. The Turkish line had failed, the Austrian line had failed, there was no communication to Malta except through Sicily on the one hand, or to Corfu on the other. He wished, therefore, to know what was the state of the negotiations with the Turkish Government, and what progress had been made towards procuring an efficient telegraphic communication between this country and India.

LORD WODEHOUSE entirely concurred with his noble Friend as to the extreme importance of establishing a good line of telegraphic communication with India, and regretted that the efforts made to effect it had hitherto proved unsuccessful. With respect to the Red Sea line, he regretted that after the cable had been laid down all the way, it would not work, and, notwithstanding all the efforts which were made, there were very light hopes of this line ever being carried out as an effective line of telegraphic communication. With regard to the [alternative line through Asia Minor *via* Bagdad, referred to by his noble Friend, that was in a more favourable position, the Turkish Government having, by the aid of English engineers engaged for the purpose, succeeded in establishing the line as far as Mosul; and the Turkish Government were now in communication with Her Majesty's Government, for continuing that line to India, the Indian Government, on its part, being willing to undertake the submarine line. As to the Mediterranean telegraph, it was true that the only means of communication with Malta at present existing was by a line through Sicily. The state of that line was this. A subsidy had been granted for a cable laid down between Cagliari on the one side, and Malta and Corfu on the other, which had continued to work some time. After the failure of that cable an application was made to the Government for permission to establish a line through Sicily to Malta, and, by way of Otranto, to Corfu; and the Company had asked that the subsidy

should be transferred from the original line to this line. It being thought right that we should have some line of communication to Malta and Corfu, the Government had consented provisionally to this arrangement. With regard to the line from Ragusa to Alexandria, a convention was, in April 1859, concluded with the Austrian Government, but no progress had yet been made with the laying down of the cable. The reason of this was that when application was made to the Porte for a firman authorizing the landing of the cable at Alexandria, it was stated that the Turkish Government had conceded to Messrs. Newall the exclusive right of landing cables in Egypt and in all the Asiatic dominions of the Porte. Strong remonstrances were made against this, but it was not until the present year that the Porte cancelled the concession to Messrs. Newall, and signed a convention with the British and Austrian Governments by which the permission necessary for landing the cable was given. At the last moment, when the convention was about to be ratified at Vienna, Her Majesty's Government was informed by the Austrian Government that, in consequence of the failure of the numerous attempts to lay deep sea lines, no company could be found who would undertake to lay this cable upon the terms originally stipulated for, and that, if the scheme was to be carried out, those terms must be advanced. That communication was received only three or four days ago, and no decision had been come to upon it. In his opinion, however, the British Government ought not to enter into any new and less favourable arrangement without maturely considering the whole subject of telegraphic communications in the Mediterranean. The line projected between Falmouth and Gibraltar would, he agreed with his noble Friend, be most valuable to this country, because it would be an independent line. The cable had been constructed—and constructed, he believed, upon the soundest principles—but it had been thought by the Government that, considering the great risk which would attend the operation of laying it down, and the sacrifice of capital which would result from its loss, further experiments should be made by competent engineers as to the best mode of laying these cables. A Committee of engineers was appointed, which was presided over by the late Mr. Robert Stephenson, and of which Mr. Wheatstone and other

eminent electricians were Members. That Committee had made experiments, the results of which were, he was informed, likely to throw much light upon this subject; but their report was at present not in a state to be acted upon. In the mean time, as the carrying out of this plan was not abandoned but rather postponed; and as it was thought that the Red Sea line and the line from Ragusa to Alexandria would soon be in operation, it was thought desirable, considering what was now going on in China, to complete the communication with Singapore by laying down the cable, which had been prepared for the line between Falmouth and Gibraltar, between Rangoon and that place. Now that the Red Sea line had failed, and it was doubtful whether that between Rangoon and Alexandria would be carried out, Her Majesty's Government would consider whether it was still desirable that this cable should be laid down between Rangoon and Singapore, or whether it might not be more usefully employed at some other portion of the line of communication with India.

LORD STANLEY OF ALDERLEY said, the noble Lord had answered his questions satisfactorily. He understood that the French Government were considering the propriety of making a telegraphic line from Algeria to Tunis, Tripoli, and along the whole coast of Africa to Egypt. It was worthy considering whether it might not be desirable for us to connect Malta with that line. He hoped that on the whole we might soon see a further attempt made to complete a communication so essential to the interests of India and the rest of our Empire.

LORD REDESDALE thought that in a military point of view electric telegraphs were not likely to prove so advantageous as was once supposed. If war broke out, one of the first objects of any enemy would be to destroy our telegraphic lines between Gibraltar, Malta, and other points in the Mediterranean, and thus to prevent our communication with our fortresses and with India. Where the lines were laid down in deep water their success was doubtful, and the wires in shoal water could easily be destroyed. It would be far better to secure a more rapid and less expensive overland communication with our Eastern possessions.

House adjourned at Seven o'clock,
to Thursday next, quarter
before Five o'clock.

Lord Wodehouse

HOUSE OF COMMONS,

Tuesday, August 14, 1860.

MINUTES.] PUBLIC BILLS.—1^o East India Loan; Debtors and Creditors Act Amendment.
3^o Consolidated Fund (£10,000,000); Fortifications (Provision for Expenses).

EAST INDIA LOAN.—REPORT.

Resolution reported.

"That it is expedient to enable the Secretary of State in Council of India to raise money in the United Kingdom for the Service of the Government of India."

MR. HADFIELD observed that the best way to improve India, and enable her to bear her own burdens, was to encourage the people to raise articles of produce that could be exchanged for our manufactures. India would never prosper as long as her produce was exchanged only for specie; and he contended that if the present tariff was continued, it would be most detrimental to the interests of that country.

MR. BAZLEY said, he had that morning received a letter from a gentleman intimately connected with the trade of India, stating that the tariff was operating most injuriously to trade. There was practically a protection of 25 per cent in favour of Indian produce; and mills were in consequence being rapidly constructed for manufacturing purposes in that country, while the labourers were withdrawn from the operations of agriculture. He suggested that an Excise duty should be imposed on manufactures in India equal to the Customs' duty now imposed on imported goods.

SIR JAMES GRAHAM said, he wished to call the attention of his right hon. Friend the Secretary for India to a matter which had received the consideration of a Committee of that House appointed to inquire into the question of Military Expenditure. It appeared from the Report of that Committee that £60,000 a year was paid by India into the British Exchequer for expenses incurred in connection with invalid soldiers; but he wished to advert to the fact that if the British army in India was in future to amount to 80,000 men, this sum of 60,000 would be wholly inadequate for the purpose for which it was paid. He believed that a sum of not less than £500,000 a year would in that case be necessary. He did not wish to interrupt the progress of business by any remarks on this subject; but it was clearly one that ought not to be lost sight of in connection with the subject of Indian finance. He hoped that when Parliament met next Session his

right hon. Friend would be prepared to bring the matter under the consideration of the House, with a view to some modification of the existing arrangement.

SIR CHARLES WOOD said, that in reference to the subject referred to by the hon. Member for Manchester, as well as the hon. Member for Sheffield, he had to state that he had received no information that led him to suppose any such evil consequences as they pointed out were likely to flow from the Customs' duties imposed on goods imported into India. The arrangement was strictly for revenue purposes, and he had no reason to suppose that it had injured trade. Speaking generally, India was prospering, agricultural produce had risen in price, and the value of agricultural labour had also been enhanced. The increase of manufactures in India, was caused chiefly by the employment of British capital; and that was a result which he was sure no one ought to complain of. As to imposing an Excise duty on Indian manufactures he could not see the wisdom or propriety of such a course. He should like to know what his hon. Friend the Member for Manchester would say if it were proposed to impose an Excise duty on cotton manufacture in this country. The proposition he had made was one which he hardly expected from a Freetrader. With regard to the Customs, the duty on many of the principal articles of British manufacture had been reduced from 20 to 10 per cent, on others it had been raised, so as to leave an uniform duty of 10 per cent. When it was found possible to reduce the duty the Government would be happy to do so; but, in the present state of Indian finance, such a course was not advisable. With regard to the charge of £60,000 now payable for the dead weight arising from the troops employed in India, he could only say that the subject was one requiring serious consideration; and he hoped that before long it would be possible to bring about such an adjustment of this and other charges as would place them on a fair and equitable footing.

Resolution agreed to.

Bill *ordered* to be brought in by Mr. MASSEY, SIR CHARLES WOOD, and Mr. BARRING.

LORDS OF THE TREASURY.

QUESTION.

MR. DARBY GRIFFITH asked the Secretary to the Treasury if he was will-

ing to furnish the names of the Lords Commissioners of the Treasury who were personally present at the meetings of the Board at which the Treasury Minutes of the following dates were adopted, and who gave orders for their transmission to the authorities of the War Office as answers to their communications:—Treasury Minute of the 21st day of June, 1858, and Treasury Minute of the 21st day of January, 1859; and the dates of the meetings of the Treasury Board, and the names of the Lords Commissioners who were present who gave orders for the transmission of the following letters from the Treasury to the War Office: letter, dated Treasury Chambers, the 24th day of December, 1859, signed S. Laing; and letter, dated Treasury Chambers, the 31st day of January, 1860, signed Geo. A. Hamilton.

MR. LAING said, it was impossible for him to give a literal reply to the question put by the hon. Member, because in the course of the business of the Treasury records were not kept of the names of the Members of the Board who might be personally present on each occasion. Even if such records were kept, he doubted whether it would be consistent with his duty to disclose them. He could state, however, that where a letter went out in the usual official form, signed by either the Secretary or Assistant Secretary of the Treasury, in the name of the Lords Commissioners, the entire body were responsible for it.

Motion agreed to.

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

(1) £1,000,000 to pay off Exchequer Bonds.

Vote agreed to.

(2.) Question again proposed,

"That a sum, not exceeding £3,635, be granted to Her Majesty, to defray the Expense of Maintenance and Repairs of Embassy Houses, &c., Abroad, to the 31st day of March, 1861."

Whereupon Question again proposed,

"That the item of £650, for Casual and Ordinary Repairs and Painting, Repairs of Furniture, Fittings, and Contingencies of the British Embassy House at Therapia, be omitted from the proposed Vote."

MR. W. WILLIAMS said, that on the last occasion when the Vote was before the Committee, he had moved the omission of the item of £650 for the casual and ordinary repairs, painting, furniture, &c. of the British Embassy House at Therapia. He wished, therefore, to repeat his objec-

tion to the item, which, though a small one, he thought the Committee ought to set its face against as a totally unnecessary and wasteful expenditure. The Embassy House at Therapia was only distant eight or nine miles from the Embassy House at Pera; and one or other of them ought to be done away with. He should feel it his duty to take the sense of the Committee on this Vote.

MR. BAILLIE COCHRANE remarked, that it was customary for every Ambassador to have a sort of counting-house.

MR. COWPER said, he understood that the whole diplomatic body left Constantinople in the summer to go to Therapia, and it was necessary that their Ambassador should be provided with a house there. With regard to the house at Pera, that was a gift of the Sultan to the British nation; and it might be thought a very great offence, if what he had been kind enough to give was immediately turned into money.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(3.) £8,450, New Consular Offices, &c., Constantinople, *agreed to*.

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £160,000, be granted to Her Majesty, towards defraying the Expense of constructing certain Harbours of Refuge, to the 31st day of March, 1861."

MR. CONINGHAM objected to the expenditure of £65,000 on the Harbour of Alderney, as it would be of no use whatever as a harbour of refuge, and moved the reduction of the Vote by that amount.

MR. CORRY drew attention to the condition of the Harbour of Alderney, and contended that £2,000,000 would not be sufficient to make it a safe harbour. He considered that the works there were a mere job.

MR. CHILDERS also objected to the expenditure of this money on the Harbour of Alderney.

LORD CLARENCE PAGET said, he wished to explain what was being done with regard to that harbour. A plan was attached to the Report of the Select Committee on miscellaneous expenditure this year, which showed upon it a point marked D. All the Government were doing was carrying out the breakwater to point D, for the purpose of making the harbour available so far. The foundation having been laid out to that point, it would be inconvenient, and even dangerous, not to

finish that work. On the eastern side they were carrying out a small breakwater at a very small expense. The breakwater, carried out to point D, would afford a fair harbour for small vessels. It would, however, be a very fair question for the Government of the day to consider whether, when they had completed this work, it would be advisable to proceed further. He thought no objection would probably be offered to a Committee to inquire as to the advisability of any further expenditure.

Motion made, and Question put,

"That the item of £65,000 for Works at Alderney be omitted from the proposed Vote."

The Committee *divided*:—Ayes 13; Noes 41: Majority 28.

Original Question put, and *agreed to*.

(5.) £30,000, Holyhead Harbour.

MR. BELLEW asked, Whether it was not possible to give better accommodation for passengers at Holyhead?

COLONEL DUNNE also called attention to the want of proper accommodation for passengers, and the importance of improving the pier.

MR. LAING said, that it was the intention of the Lords of the Admiralty, during the recess, to go down to Holyhead, to see what arrangements could be made for the comfort and accommodation of passengers arriving at, and going from, Holyhead.

MR. CORRY said, he hoped the Admiralty would not view the matter with merely a nautical eye, but would have some regard for the accommodation of the Irish people.

Vote *agreed to*.

(6.) £401 Port Patrick Harbour.

MR. W. WILLIAMS objected to the Vote, as he believed it would never be possible to make a proper harbour at Port Patrick.

Vote *agreed to*; as were also the following Votes.

(7.) £7,226, Kingstown Harbour.

(8.) £87,485, Houses of Parliament.

(9.) £38,095, Treasury.

(10.) £23,687, Home Department.

(11.) £46,145, Foreign Department.

(12.) £29,208, Colonial Department.

(13.) £18,730, Privy Council Office.

Motion made, and Question proposed,

"That a sum, not exceeding £40,129, be granted to Her Majesty, to complete the sum necessary to pay the Salaries and Expenses in the Office of the Committee of Privy Council for Trade, including the Office of the Registrar of Merchant Seamen, to the 31st day of March, 1861."

MR. EDWIN JAMES pointed out the great expense on account of clerks and

Mr. W. Williams

secretaries. There was a Vote of £13,000 for secretaries, and in addition £5,000 for clerks. He wished an explanation of the latter item.

SIR GEORGE LEWIS said, he presumed the hon. and learned Gentleman's question referred to temporary clerks, which were often found necessary in the public offices.

SIR JAMES GRAHAM said, he thought the matter of temporary clerks was one that called for the serious consideration of the Government. It came out before the Committee on the Army Expenditure, that at the War Office there were no fewer than 160 temporary clerks. He hoped the subject would, without delay, receive the consideration of Government.

MR. LAING said, there could be no objection to reduce the Vote by £800, which was the sum proposed for extra clerks.

Motion made, and Question,

"That the item of £5,000, for the Contingent Expenses of the Board of Trade, be reduced by the amount of £800."

Put, and agreed to.

(14.) *Resolved,*

"That a sum, not exceeding £39,329, be granted to Her Majesty, to complete the sum necessary to pay the Salaries and Expenses in the Office of the Committee of Privy Council for Trade, including the Office of the Registrar of Merchant Seamen, to the 31st day of March, 1861."

(15.) Motion made, and Question proposed,

"That, a sum, not exceeding £2,020, be granted to Her Majesty, to complete the sum necessary to pay the Salary of the Lord Privy Seal, and the Expenses of his Establishment, to the 31st day of March, 1861."

MR. AYRTON objected to the Vote. They were now asked to Vote a sum for the salary of the Lord Privy Seal, and there was in addition a sum for clerks, which he considered to be a very large establishment for a very small office. They all remembered the consternation which was created on a former occasion when a Motion was given notice of to abolish the office, in accordance with the recommendation of a Committee of the House. He did not understand why there was so much acquiescence in the existence of the office, considering the great opposition manifested to it formerly. He believed that the Nobleman who now discharged the duties of the office was also Postmaster General, and he must say that he thought such a state of things was not defensible. He should therefore move to reduce the Vote by £2,000, being the salary of the Lord Privy Seal.

SIR GEORGE LEWIS said, the Duke of Argyll, the Lord Privy Seal, was acting as Postmaster General in the absence of the Earl of Elgin, but he did not draw both salaries, and he might state that it was the intention of the noble Lord at the head of the Government very shortly to recommend to Her Majesty to fill up the office of Postmaster General. On the recommendation of a Committee appointed by the Treasury the office of the Signet was abolished, and some reductions took place in the office of the Privy Seal. The Lord Privy Seal was an officer of high distinction in the State. Constitutionally speaking, the office was one of high rank and position, but he was ready to admit that its duties were of a formal nature. The office was always held by a Peer, and he could not help saying that the holding of such a high office by a person of rank and connected with the Cabinet was of great service to the country, as he was usually able to discharge duties which other Members of the Cabinet, actively engaged in the duties of their offices, could not attend to. Persons in office found great difficulty in getting through their business, and at the same time attending to their duties in Parliament, and it was no small advantage to have persons belonging to the Cabinet, who had no very active duties to perform in connection with the particular office they held, to assist in carrying the Government through the vast amount of business that had to be discharged. That was the great advantage of having such an office as that of the Privy Seal. He did not pretend to say the duties were such as to occupy any portion of the time of the Peer who held it. He did not defend it on that ground, but simply on the principle that, looking at the constitution of our Government, which consisted of a small number of persons, who had to transact a great deal of business, it was an office the retention of which was important to the transaction of the public business of the country. He thought that the proposal to abolish such an office ought not to be made in Supply, but after notice was given, and by a deliberate Motion.

LORD FERMOY said, it was just the time to abolish the office, seeing that the office had been actually vacant for the last three months, and that consequently no injury could arise from the abolition. As to the office being held by a Peer, he thought that, as the office was actually vacant, the House would hardly be inclined to keep up

a sinecure merely because it was held by a Peer, especially after the manner in which the other House had treated them on a recent occasion. If the Government wanted additional strength it was much more necessary they should have it in the House of Commons. He should, therefore, vote for the Amendment.

SIR FRANCIS BARING said, he believed that if they were to abolish the office to-morrow they would be glad to get a Member of the Cabinet holding no office to assist the Government in the discharge of their duties. He believed hon. Gentlemen were not aware of the immense amount of business—and that still growing—which fell upon the Members of the Government who held high official situations. They had hardly time to perform the functions which they ought to discharge in their own offices, and if they were deprived of the assistance of colleagues who were not so occupied, they would be obliged to neglect their duties, and throw the discharge of them upon subordinates. Besides, such a question as this should not be disposed of without notice.

MR. EDWIN JAMES supported the Amendment. There was no reason why, because the Chancellor of the Exchequer had no time to eat, drink, or sleep, that £2,000 should be given to a Lord Privy Seal, who had nothing to do but to eat, drink, and sleep.

MR. WHITE said, he was sorry that the right hon. Baronet (Sir Francis Baring) had so mean an opinion of the peerage of the country as to think they would require a salary for serving the nation. He believed there were many men eminent for their talents who would be glad to devote their services to the country without remuneration. That was the case with the Marquess of Lansdowne, who had frequently given his services to his country without salary. He was sure the honour of the office of Privy Seal would be as much coveted if devoid of the £2,000 a year. There were many eminent men in the House of Commons who would feel highly flattered, and would devote every day and hour of their time to the service of their country in such a position without receiving salary.

MR. MELLOR said, if a regular Motion had been made, and a Bill brought in to abolish the office he might support it, but he thought the matter could not be disposed of in the mode proposed.

SIR GEORGE BOWYER remarked

Lord Fermoy

that Pitt once observed that the duty of the Lord Privy Seal was, when the First Lord of the Treasury was a Peer, to sit near him and keep off bores. He objected to the abolition of the office of Privy Seal, but the question of salary was another thing.

SIR JAMES GRAHAM observed, that if the *dictum* of Pitt were true he must object to the holder of the office of Privy Seal sitting always in the House of Lords. He was sure that if the noble Lord at the head of the Treasury had been present he would have said that the services of the Privy Seal, as represented by Mr. Pitt, were quite as much wanted in the House of Commons as in the House of Lords. He must say, however, that he was not in favour of unpaid services. Paid service was always the best service, and it increased; moreover, the sense of responsibility. Whatever might be the rank of any person in office, he was an advocate for his being sufficiently paid. He agreed with the right hon. Secretary for the Home Department in thinking that this was too grave a question to be decided by a Vote in Committee of Supply, and that it ought not to be discussed even without due notice being given. He looked upon the office of Privy Seal as one of great and real importance. What had been said by the right hon. Gentleman the Member for Portsmouth was most true. If the business of the country was to be conducted in both Houses of Parliament, it was necessary that there should be some Peer of station and ability ready to undertake the conduct of business sent up from the Commons, in the Upper House; and here he would say, with reference to his noble Friend who now held the office of Privy Seal, that the Bills sent up from the House of Commons to the House of Lords were conducted by him with singular ability and success. Take the case of the Bill for the amalgamation of the local army in India with the Queen's army. That Bill was discussed in the other House ably and fully, but he must say that he had seen no speech in either House that set forth the grounds for that great measure with more clearness and distinctness than that which was delivered on a late occasion by his noble Friend who held the office of Privy Seal. Having said thus much, he must express his opinion that this discussion had mainly arisen from the circumstance that the office of Postmaster General and Privy Seal had been united

in the same person. This had raised a doubt, though he did not think it a well-founded one, of the propriety of maintaining the two offices. It was unfortunate, however, that the doubt should have been created, and he therefore hoped that the office of Postmaster General would speedily be filled up. He was satisfied that his noble Friend who now acted as Privy Seal was admirably fitted, both by his ability and discretion, to assist the Government in the transaction of public business, and he was sure that what had passed that day would only stimulate his noble Friend, if that were necessary, to still greater zeal in the discharge of the duties to which he was called.

SIR GEORGE LEWIS said, the person holding the office of Privy Seal could not, by law, be a Member of that House.

Motion made, and Question put,

"That the item of £2,000, for the Salary of the Lord Privy Seal, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 15; Noes 59: Majority 44.

Original Question put, and *agreed to*.

(16.) Motion made, and Question proposed,

"That a sum, not exceeding £5,276, be granted to Her Majesty, to complete the sum necessary to defray the Expense of conducting the business of the Civil Service Commission, to the 31st day of March, 1861."

MR. BAILLIE COCHRANE said, he wished to explain what he had stated on a former occasion, in reference to the Civil Service examinations, and which had been misrepresented by the press. What he had stated was, not that he objected to the principle of competitive examinations, but only to the practice as carried on at present. He could adduce some instances in which the existing practice had operated with great hardship. In one case a young man recommended for promotion in a post-office was refused his appointment, because on examination he admitted that one of his sisters had died of consumption. In examinations for cadetships a youth who gained 500 marks was passed, whereas one who gained 750 was sent back. The questions used in the examinations, moreover, were too difficult and recondite, and involved knowledge of a useless kind. Some required a written sketch of the history of India during the present century; the American Constitution; a description of geological operations, and ammonites and other fossils connected with

their respective eras; classes in natural history, including the anatomy and respiratory organs of the spider; a description of the Leviathan steamer and the Crystal Palace; an essay on the liberty of the press, and the great comet of 1858. Now, were these things the sort of acquirements which was wanted in candidates for the public service? In conclusion he moved to reduce the Vote by £600 for the travelling expenses of the examiners.

THE CHANCELLOR OF THE EXCHEQUER said, his hon. Friend had gone back to his old practice of selecting a few questions out of a vast number that were put to applicants, and it was clear that he had not got in his mind the true standard of knowledge required. Many of the questions to which he objected as ridiculous, were not the questions on which the success of the candidates vitally and essentially depended, though they might test the comparative merits of different candidates. His hon. Friend, for example, thought it ridiculous to ask a youth to describe in a letter something that he had seen. Now, nothing was so much the test of what might be called a handy man as asking him to do a task like that. The excellence of the system pursued was proved beyond a doubt by the Report of the Committee appointed to inquire into it, and which was now printed. That Committee gave, as the result of their inquiries, that the complaints brought against the mode of examination were generally unfounded. His hon. Friend thought it a hardship that persons who had been for years in the public service were rejected on examination for other appointments; but surely it was no reason that incompetent persons should be appointed to places in the public service merely because they had been for a number of years serving the public in some other way. The effect of the present system had been to exclude incompetent men, and to introduce into the service men of higher attainments than was possible under the old mode of appointment. As yet the plan had only been partial in its operation; but the Committee to whose Report he had just referred recommended that it should be still further extended. The partial trial had been successful so far as it went, and he hoped the Committee would not be a party to any proposal that would weaken it.

MR. CLAY observed that candidates were never plucked for being unable to answer the extreme questions to which the

hon. Member had referred. They were almost always rejected for deficiency in arithmetic, or spelling, or some of the more ordinary parts of education.

SIR WILLIAM JOLLIFFE said, he concurred in what had been said of the success of the plan, but he thought there was some room for objections being taken. He expressed his surprise that the Report of the Committee had only now been published.

Whereupon Motion made, and Question, "That the item of £600, for the Contingent Expenses of the Civil Service Commission, be omitted from the proposed Vote,"

Put, and *negatived*.

Original Question put, and *agreed to*.

(17.) £17,500. Paymaster General.

SIR HENRY WILLOUGHBY said, that the Vote was founded on a fiction, as the office of Paymaster General did not exist. He was in fact the Vice-President of the Board of Trade, but exercised none of the duties of the office.

THE CHANCELLOR OF THE EXCHEQUER said, that a Committee had recommended an entire alteration of the duties. The salary of the Paymaster General had been used to endow what was really a working office—the Vice President of the Board of Trade, and the duties of the Paymaster General were performed by a deputy. If the alteration suggested had been adopted, the real Paymaster General must have received a larger salary than that now voted; so that there would have been no saving to the public funds.

Vote *agreed to*, as was the following Vote.

(18.) £6,630, Comptroller of the Exchequer.

House resumed; Resolutions to be reported *To-morrow*.

Committee to sit again *this day*, at Six of the clock.

REFRESHMENT HOUSES AND WINE LICENCES.—QUESTION.

MR. EDWIN JAMES said, he wished to ask Mr. Chancellor of the Exchequer, how many applications have been made in the Metropolis for Licences to sell Foreign Wines by retail under the provisions of the Refreshment Houses and Wine Licences Bill?

THE CHANCELLOR OF THE EXCHEQUER said, 658 licences had been assigned in London to the occupiers of refreshment houses, but that did not include Kensington and Hammersmith, where the li-

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cences were charged and paid for in the county of Surrey. Out of these 658 only 129 had applied for licences to sell foreign wines by retail, to be consumed on the premises. He believed the nature of the Act was not sufficiently known, and that this accounted for the small number of wine licences applied for.

INSPECTORS OF WEIGHTS AND MEASURES.—QUESTION.

MR. HENNESSY said, he wished to ask the Chief Secretary for Ireland, what compensation the Government propose to give to the Inspectors of Weights and Measures whose offices will be abolished under a Bill now before Parliament?

MR. CARDWELL said, the office of Inspector of Weights and Measures was condemned under the Petty Sessions Act passed so far back as 1851, and the holders of that office were, therefore, not entitled to compensation.

THE EDUCATION GRANT.

RESOLUTION.

Order for Committee (Supply) read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR JOHN PAKINGTON: I rise to move

"That the Grants annually made by Parliament for the promotion of Education ought to be expended with fair and just regard to the requirements of the different classes of Schools recognised by the Minutes of the Committee of Council; and that Ragged and Industrial Schools, which are alone adapted to meet the wants of a considerable number of destitute and neglected children, are therefore entitled to a larger amount of aid than they at present receive."

Before proceeding with my Motion, however, I wish to express my thanks to the noble Lord the Prime Minister for the personal courtesy I have experienced from him in the arrangements he has made for bringing forward the Education Estimates to day. In making this Motion I shall bear in mind that we are now approaching the termination of the seventh month of this extraordinary and profitless Session. I am aware, therefore, of the value of time, and shall endeavour to condense what I have to say within the narrowest possible limits consistent with the duty which I have undertaken to discharge. I shall move this Motion, but I shall at the same time reserve to myself the right of taking the sense of the House upon it if I think it desirable; but I confess that my main object is to make an earnest appeal to the

Government for some modifications in their present regulations under which the assistance is given to that peculiar and interesting branch of the system of education in our country called ragged schools. On this subject I address myself more especially to the right hon. Gentleman the Vice President of the Committee of Council on Education, and I cannot help hoping that, on the grounds which I am about to bring forward, the Government will see the necessity of making some concessions on this matter. I wish to urge on the House and the Government that ragged schools do not receive from the Parliamentary grant that degree of assistance to which they are fairly and legitimately entitled. [Mr. BRISCOE: They receive nothing at all.] The hon. Gentleman is slightly mistaken, but I will not discuss that point now. They receive nothing for education, that is true; but they are entitled to grants for certain objects which I am about to explain. There is one ground, and one only, on which I think the Government and the Committee of Council on Education can be justified in adopting the line they do with regard to ragged schools. I could understand the Committee of Council if they were to say that they do not recognise ragged schools as a distinct class for which assistance is granted. I certainly do not concur in that view, but I could understand the right hon. Gentleman, or any other Gentleman holding his office, taking up that ground and saying, "What are ragged schools? We have to administer a large annual grant of public money for the promotion of education; and our duty is to produce the *maximum* amount of good in our power with that sum. It is for the public interest that we should expend the money subject to certain conditions. We issue grants to those who comply with those conditions; but ragged schools do not comply with those conditions; therefore we withhold the grants." That is a line of argument which would be perfectly intelligible; but it happens that the Government have cut that ground from under them. They have recognised ragged schools. They have not only recognised them, but they have defined what are to be considered as ragged schools, and in an existing Minute they have imposed certain conditions on which alone those schools can be assisted with grants. To that extent I entirely concur with the course taken by the Committee of Council. I

approve both of their definition and of the conditions they have imposed. I think them essential to prevent the danger which might otherwise arise from the recognition of ragged schools. The fault I find is this: that while the Committee of Council have defined and recognised ragged schools, they have not extended to them that amount of assistance which in justice, in policy, and in liberality they are entitled to receive. What are the primary objects of those large grants which Parliament annually gives for the purposes of education? We are about to be asked this evening for a large vote of the public money. What are the primary objects of that vote? Surely it is to aid in the education of that class of the people who are unable to bear the expense of educating themselves. I think no one will dispute the soundness of that proposition. I find that in this Education Estimate the sum of £100,000 is proposed for the promotion of science and art. I take no exception to that Vote. It is fair and legitimate for the House to vote the public money for such a purpose. But I hold that these are not the primary objects of the Vote, and I for one am inclined to object to the application of this money to the promotion of science and art so long as the Government shall refuse assistance to what I hold to be still more indispensable—the education of the most destitute classes of this country. I entreat, then, the fair consideration of the House and the Government to this question. The main cause of complaint on the part of those who, by the exercise of great exertion and liberality, have established those institutions that are generally known as ragged schools, is the complete change of system which has taken place in consequence of the Committee of Council having repealed the Minute which was passed in 1856. In that year a Minute was passed granting assistance to ragged schools on a large and liberal scale. It was agreed to pay one-half of the rent of the school, one-third of the cost of tools and materials for labour, together with grants in aid of the costs of maps, books, and diagrams, half the salary of every certificated teacher and every certificated assistant teacher; grants for the preparation and training of teachers, together with a capitation grant of 50s. for every child that was one year in the school. Now, Sir, I do not contend for the restoration of that Minute. I believe that the real cause of the repeal of that Minute was that in practice it was found

to be too costly. And why? Mainly for two reasons. The first was, the introduction of the last item, the maintenance of the scholars; and the other was, that the Minute was so framed that it extended to refuges and other institutions not at all coming under the definition of ragged schools. The Minute was thus found to be too costly, and it was repealed. But, as often happens when a mistake has been made and it is found necessary to correct it, the Committee of Council went very much too far on the other side, and they have now limited their assistance to this class of institutions in the manner to which I am about to call the attention of the House.

The position of the schools is this:—Grants for books, maps, and diagrams are made to ragged schools, pursuant to Articles 37—44. Ragged schools may receive annual grants equal per annum to one-half of the rent of the premises in which industrial instruction is carried on; one-third of the cost of tools and of raw material for labour; five shillings per annum for each scholar, according to the average number under industrial instruction throughout the year preceding the date of inspection; and the ordinary rate in augmentation of any certificated teacher's salary. Now, the House will see that with the exception of the grant for books, maps, and diagrams, and the ordinary rate for a certificated teacher, these grants have solely a reference to the industrial training of the school. And I am assured by the promoters of these schools that the grants are barely enough to carry on the industrial training, so that there is no margin for education. And I am sure the right hon. Gentleman will not dispute that certificated teachers are not needed to teach in ragged schools. The whole character of those schools is different from that of ordinary schools. I am also assured by those conversant with the subject that the certificated teachers are not those required for the Ragged Schools. These schools are so peculiar, and the character of the children resorting to them differs so much from the character of those who frequent the ordinary schools, that, though there are cases in which certificated masters are employed, still, as a general rule, they are found not to be fitted for these institutions. Those schools are peculiar in their nature, and must be dealt with upon a peculiar principle. In order to show how entirely it is the intention of

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the Committee of Council not to assist the educational portion of the ragged school system, I will refer to a circular issued to the inspectors of parochial schools, immediately after the passing of the late Minute, that no grants, excepting for books or maps will be made in aid of the purely scholastic instruction, unless in cases where certificated teachers have been appointed. Then, again, the grant in aid of the rent is limited to that portion of the building where industrial education is carried on. These are distinct declarations that no aid is to be given to the educational portion of the ragged school system. Upon this point I beg leave to quote the evidence of, perhaps, the very highest authority on the subject—I mean that admirable woman Miss Carpenter. In answer to a question which was put to her by the Royal Westminster Education Commission, in the month of February last, she says:—

“Ragged schools have abundant inspection, for the educational department is inspected and reported on, though not helped. We ask for educational help, so given as to suit the wants of the school. The Minute of June, 1856, entirely met our requirements, and we ask for the restoration of that Minute, without the feeding clause, which was intended for the industrial feeding schools, those now certified.”

When she is further asked “on what ground she finds the claims of those schools,” she answers:—

“On simple justice. The educational grant is made to give instruction to the people. Why should this portion of it be excluded? especially while it is being extended to those who can very well do without it. The grant was made to second voluntary effort, and no schools have been the subject of a greater amount of it.”

I now turn to a paper which I am sure will carry weight with the right hon. Gentleman opposite (Mr. Lowe) and with the House. It is entitled a “Memorandum on behalf of Ragged and Industrial Schools.” It was published in the month of July last, and it is signed by 112 gentlemen, among whom are Mr. Thomson, of Banchory, near Aberdeen; Dr. Guthrie, of Edinburgh; Mr. M. D. Hill, the Recorder of Birmingham, and others conspicuous for the zeal they have exhibited in carrying out the Ragged School movement. They commence by referring to the Report of the Committee of the House appointed in the year 1851 to inquire into the condition of destitute uneducated children. That Committee reported that

“The ragged schools, especially the ragged industrial feeding schools, at present supported by voluntary subscriptions . . . have produced

beneficial effects on the children of the most destitute classes of society inhabiting large towns ; that voluntary contributions have been found inadequate to supply the number of such schools at present required in the metropolis and other cities and towns ; and, therefore, they should not be excluded from the aid of the national grant, under the distribution of the Committee of Council for Education—great care being necessary in framing the Minutes applicable to this description of schools, so as not to fetter private exertions or to exclude men eminently qualified to fill the laborious and difficult position of teachers, by the requirement of too high an educational certificate."

The "memorandum" afterwards contains a statement of the grounds on which its authors claim, on behalf of ragged schools, a more liberal share of the funds voted by Parliament for the education of the people. Those grounds are classed under nine heads, and the five last of them are as follows :—

"5. As a measure of simple justice, ragged schools are entitled to a liberal share of the funds administered by the Committee of Council on Education. The grant voted by Parliament is for the purpose of seconding voluntary effort. No schools in the kingdom can show so large an amount of voluntary effort as ragged schools. It is not denied that the great mass of the children under their charge would, but for them, grow up in ignorance and depravity. No objection has ever been made to the instruction communicated in them ; yet the Committee of Council on Education has decided that these schools shall not be dealt with on the liberal principle recommended in the report of the Select Committee of the House of Commons.

"6. As a measure of justice under another aspect, these schools are not only entitled to a share of the funds already referred to, but they have a primary claim. The money is granted for the education of the people. The community has suffered, and does suffer grievously, in consequence of the education and oversight of the children in question having been utterly neglected. The community has a right to be protected from the depredations of thousands of young thieves who infest our large towns, as well as from the enormous expense of criminal prosecutions inseparable from their neglect. The ragged school system has been shown, if duly supported, to be equal to the emergency ; and the public, out of whose funds the Parliamentary grant is made, may reasonably and justly require that a liberal share should be given for its support.

"7. In a financial point of view the economy of the educational or preventive system has never been doubted. It is a low aspect of the question, and it may be sufficient broadly to affirm that it costs very much less to teach and train a child by ragged school agency than to neglect him until he has become stereotyped in crime, and is thus made a heavy burden upon the country.

"8. The field is much too large for unaided voluntary effort to occupy. The directors of the ragged schools are under no obligation to the state to enter on the work ; but in trying to save from destruction outcast children who cannot help themselves, and who are absolutely beyond the

reach of other schools, they are gratuitously discharging a most important service to the community.

"9. Finally, ragged schools occupy a peculiar position, and ought not to be classed with institutions for the education of those who are in circumstances either wholly or partly to defray the expenses of their own education. They are, therefore, entitled to such a share of the funds voted expressly to promote the education of the people as their exigencies demand. The aid required is entirely for the educational department of the schools."

Why should not the Committee of the Privy Council be more liberal in this matter ? I find the motives which probably influence them in pursuing their present course stated in a paper issued during the present year, and to which the names of "Granville" and "Robert Lowe" are attached. It is there said—

"We are of opinion that the conditions of the grant cannot be enlarged without confounding public instruction with public maintenance, and breaking down the self-respect of the poor, as well as lowering the standard of many of the schools which the poor now frequent."

Now, I confidently believe that this opinion is not justified by the facts of the case. I am not now contending for the maintenance of those children, but for a grant in aid of their education. I do not believe that increased liberality will have the effect of lowering the self-respect of the poor. I find in "another place" an objection raised that the children in the ragged schools are not in general the children of those who cannot pay, but rather of those who will not pay for education. That opinion appears to emanate from the right hon. Gentleman opposite (Mr. Cowper), but it is not one that could be substantiated. Miss Carpenter states that as a general rule no children are admitted into the ragged schools except those who cannot attend schools of a higher character. She adds that—

"A recent examination into the condition of the children of the Bristol Ragged School proved that parents of about one-half were actually receiving parochial relief ; another portion were in the lowest depths of poverty, struggling with difficulty to obtain their daily bread, and often obliged to come to school without having had their morning meal ; while a third class were the children of thoroughly dissolute parents, whose vicious habits placed their children in even a worse condition than the others."

The question then is, whether these ragged schools are or are not frequented by a class of children who do not and will not go to the ordinary schools, from being unable to afford to pay the pence required at those

schools, and who, if the benevolent do not step in, will be on the streets, and form the class from which an enormous proportion of the crime of the country has been derived. I contend that on the narrow ground of economy the Government cannot adopt a worse policy than to withhold assistance from these ragged schools. If they do not contribute a shilling towards the education of these poor outcasts they must be prepared to spend pounds hereafter in trying them, convicting them, and punishing them for their crimes. I say, therefore, that even on the low ground of economy the Government ought to deal in a more liberal spirit with this important subject. It is alleged that there is some danger of the ragged schools injuring the others, but I hold in my hand a Resolution which was passed unanimously at the annual meeting of the Western Union of Teachers, held at Bristol on the 4th of June last, and which sets forth—

“That the teachers here assembled are aware, from their own experience, of the existence of a large portion of the juvenile population who are utterly inadmissible to the National and British Schools, and that they deem the establishment of good free day schools (commonly called ragged schools), adapted to the wants of those children, not only important to society, but very beneficial to their own schools.”

Those teachers, therefore, believe that the ragged schools actually contribute to the improvement of the national schools in which they are themselves employed, and that is a strong additional argument in favour of the proposal that the ragged schools should be aided by the State. But what is the practical result of the recent change in the Minute of Council? Let us contrast the assistance which has been given from the public funds to the Harrington British Schools in Liverpool with the assistance given to the Bristol and Cardiff Ragged Schools. In the year 1855 the Harrington Schools received in the shape of voluntary contributions £121, and received from the Government £224 10s.; in the year 1858 they received in the shape of voluntary contributions only £84 10s., but they received from the Government £332 11s. So that in the year 1855 the public grants nearly doubled the voluntary contributions, and in the year 1858 they nearly quadrupled them. But what has happened in the case of the Bristol and Cardiff Ragged Schools? The proportions are here reversed. The Bristol ragged schools received the following sums in the

shape of voluntary contributions:—In 1853, £257; in 1854, £246; in 1855, £175; in 1856, £221; in 1857, £242; but in these five years they received from the Government only £13, £81, £113, £105, and £59. The Cardiff ragged schools received in the shape of voluntary contributions in 1856, £265; in 1857, £262; but in the first of those years they received only £70, and in the last they received nothing whatever from the Government, the expenditure in the case of both schools remaining the same. I will not further intrude upon the time of the Committee. I have, I trust, shown that the claim of these schools is great, and that, not only on grounds of charity and benevolence, but also on grounds of public policy, the Government is bound to reconsider their course and increase these grants. I respectfully submit to the House and to Her Majesty's Ministers that that is a state of things which calls for revision and amendment. I believe that we ought to change the system we are now pursuing from motives alike of benevolence and of sound policy.

Amendment proposed,

“To leave out from the word ‘That’ to the end of the Question, in order to add the words ‘the Grants annually made by Parliament for the Promotion of Education ought to be expended with fair and just regard to the requirements of the different classes of Schools recognized by the Minutes of the Committee of Council, and that Ragged and Industrial Schools, which are alone adapted to meet the wants of a considerable number of destitute and neglected children, are therefore entitled to a larger amount of aid than they at present receive’”—instead thereof.

MR. BLACK, in seconding the Motion, said, the House of Commons was annually spending an enormous sum in the education of the people, and it was of essential importance that this money should be administered in the most profitable and economical manner, so as to do the greatest amount of good and prevent the greatest amount of evil. The rule of the Education Committee of Council was that the grants should be limited to the education of the children of those who were able to support themselves by manual labour; but below these there is a class which have a still stronger claim, and which the grants, according to the rules of the Council, do not reach. If the grants are limited to the children of those who support themselves by manual labour, what is to become of those who have no father to labour for

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them, and no mother to care for them, or if they have parents perhaps they are so profligate and unnatural that they spend their earnings on their vices, and send their children into the streets. These are so steeped in poverty and wretchedness that unless some kind hand be stretched out to bear them up, they must sink into degradation and crime. It would be unreasonable to expect that children who had to battle with hunger, cold, and nakedness would retain their integrity when exposed to the seductions of the vicious and neglected, or scowled upon by the indignantly virtuous—are they not to have their share of the crumbs that fall from the sumptuous table of this enormous grant? Their fate was such that, unassisted, they could not help themselves or prevent themselves from falling into vicious courses. The community that neglected their duty to these houseless outcasts would assuredly suffer;—they might adopt the best sanitary precautions, but these vagrant and neglected children spread around them the seeds of contamination, disease, and death. They might adopt the most approved principles of prison discipline, but here is a stream of impurity that would fill up every vacuum made by prison deliveries and banishment to other countries; but this stream might be purified at its source. Some figures had been published in connection with Dr. Guthrie's ragged school, showing that the children were for the most part made up of those who were either houseless or had lost one or both parents, while not less than 140 were believed to be the children of thieves. Self-interest, if not a sense of duty, should prompt us to rescue those unfortunate children from contamination and crime. If allowed to remain as they were, the poor creatures had no choice but to steal or starve. The apprehension, trial, and punishment of juvenile criminals cost every year enormous sums. He found, from a recent Return, that the average annual cost of transporting convicts to West Australia was £189,000, or at the rate of £163 per head, in addition to the expense of trial and imprisonment at home. The money that was spent on the transportation of the young "Arabs" of our cities was miserably inefficient to give them a sound moral and industrial training. All that was given to the Industrial Schools was £5,500 a year; while £153,000 was spent on the training of pupil teachers, who were quite able to

procure education for themselves, and the half of whom, after they had been trained, abandoned the vocation of teachers and sought more profitable employment. It was all very well to educate pupil teachers, but the claims of the outcast children of the country were much more urgent, and should be satisfied first. Prevention was both easier and better than cure, and the only way to diminish crime was to check it at the fountain head. These ragged schools were not a mere romantic idea, but a beneficent fact. Twelve years ago Edinburgh was infested with a host of juvenile vagrants. Proclamations were issued urging the inhabitants not to encourage them by bestowing alms, numbers of young beggars were apprehended and admonished by the magistrates, and some were imprisoned. But still the evil grew worse, and it was not till some benevolent persons tried the experiment of a ragged school that any improvement took place. These vagrant outcasts were collected into schools, that they might be taught their duty to God and to man; but before they could listen to instruction, the cravings of hunger must be satisfied, and they were now cut off from their former means of subsistence. This rendered it necessary that they should be fed, and, consequently, the expense was increased; and it was still more enhanced when industrial training was added, but the success which attended their benevolent exertions encouraged them to proceed. The percentage of juvenile prisoners under fourteen years of age in Edinburgh Gaol, in 1848, was 5; in 1849, the year after the ragged school was established, it was reduced to 3; and in 1850 it became, as it was at present, only 1 and a small fraction. In the same way the number of juvenile prisoners between fourteen and sixteen years of age was gradually reduced from 552 in 1848 to 130 in 1859. Of the two ragged schools in Edinburgh, the original (Dr. Guthrie's) and the United Industrial, the most favourable accounts could be given. Since they had been established they had, between them, preserved from ruin and sent out into the world to earn an honest livelihood nearly 1,000 children. Sheriff Watson's School, in Aberdeen, and others elsewhere, had also achieved an equal amount of good. The argument that ragged schools might be abused by people sending their children there who could afford to pay for their education was preposterous. No well-to-do artisan would ever

be so careless of his children or so destitute of self-respect as to permit his children to mix with the pupils of a ragged school. He thought he had shown that the best policy to diminish criminal expenses was to save classes who were sunk in misery and on the verge of crime, and to raise them up to be useful and industrious citizens, and that nothing would have a greater effect in accomplishing this great work than a larger expenditure for the education of these poor perishing children.

MR. ADDERLEY said, he regretted he felt obliged to differ with his right hon. Friend (Sir John Pakington) in the view he took with regard to ragged and industrial schools. There could be no doubt that the primary object of an educational grant was that class of children whose parents could not educate them; but he could not imagine the right hon. Gentleman would assert that these grants should be made without stint and without check. [SIR JOHN PAKINGTON said, he had never expressed such a desire.] He was glad to hear his right hon. Friend so far agree with him. The real question he thought was whether anything more than necessary limits and conditions had been imposed upon grants of money to these schools. The right hon. Gentleman himself admitted that the Minute of the Education Committee on Ragged Schools of 1856 had been made on too liberal a scale; but, then, coming to the Minute of 1857, the right hon. Gentleman made two objections, one that the amount then given was not made applicable for the general education of the children, and the other that the certificates required to be obtained by the masters of such schools were of too high a class. He (Mr. Adderley) disputed both these objections. There were grants made, under the Minute of 1857 for the rent of school buildings, for books, for the augmentation of salaries of the masters, and for a capitation payment. Surely every one of these purposes was strictly allied to the general object of educating the children. Then as to the certificates of masters being too high, they were not the same, but much lower, for ragged and industrial than for other schools. They were of the same grade as the certificates of masters of workhouses and pauper schools, and even lower, because a man who had been for a certain time the master of one of those ragged schools was without further inquiry taken to be a fit master, and received a certificate accordingly. Under these circumstances, he thought the certi-

Mr. Black

ficate could not be made lower unless they did away with the certificate altogether. The present Minute insured a considerable aid to ragged schools, and if they ought to have more they could obtain it by putting themselves under the inspection of the Privy Council, and becoming industrial schools under the Act of 1858. [SIR JOHN PAKINGTON: Those schools were for convicted children.] They were not for criminal children, but schools for destitute children sent there by order of the magistrates without being convicted as criminals. It was a confusion of ideas to consider the mere order of a magistrate, being necessary as a check, to be a stigma of criminality. He could not understand why masters of ragged schools objected to bring themselves under the Industrial School Act of 1858. What could be their objection to it? He could see a reason why the House of Commons should approve of and support that Act, because it was a guarantee that the public money given for ragged schools, would be, if dispensed under it, properly spent; but he could not conceive any rational objection which managers or masters of ragged schools could entertain to coming under it. It was, in fact, a mere sentiment on their part, and it would be unwise of the House to regard it as a reason for throwing open these grants, unchecked by any magisterial order, without stint or limit. He had condemned the Bill now before Parliament, by which it was proposed to hand over the industrial schools to the Home Office, and he believed that numerous memorials in opposition to it had been received by the Government within the last fortnight. It would place them in the same category as reformatory schools, and would realize the confusion made in this debate, putting committals to ragged schools in the same class of treatment as criminal commitments. It seemed to him to be a most unsafe and unwise proposition that they should give large grants to any schools for vagrant and destitute children, under whatever management, without a valid and competent check against abuse, such as the admission of the children being made necessarily under the eye of some public functionary, seemed to offer. It would lead to great extravagance, and, he believed, to the breaking down of the whole system of grants in aid of public education.

MR. BRISCOE said, he entirely agreed in all that had fallen from the right hon. Baronet, the Member for Droitwich (Sir John

Pakington), and the hon. Gentleman the Member for Edinburgh (Mr. Black). Before children could be received into reformatory schools they must have committed crime and even been sent to the House of Correction for at least fourteen days. Industrial schools also partook very much of the same character; children to be admissible must have been convicted by a magistrate. Now the object should be rather the prevention of crime than its cure. There were not fewer than forty or fifty ragged schools in the Metropolis which received no support from the State whatever, and, considering the large amount of public money voted for education, he thought they ought to have a portion. Voluntary contributions were found to be inadequate for their maintenance; every week he had applications from some such schools, stating that unless public assistance were given them they must be closed, and from 100 to 200 children, now receiving instruction and kept from vicious habits and associates would be thrown helpless on society. It was from these classes that our gaols and houses of correction received their most numerous inmates. Where schools were established juvenile crime was reduced almost to nothing, and he hoped the appeal now made to the Government in their favour would be successful.

MR. A. MILLS said, he had been for some time concerned in the management and support of an industrial school certified under the Act, and he must say the difficulties experienced were very great. In common with other certified industrial schools, they had received a circular minute informing them that, unless a certain proportion of children were brought into the school by commitment during the course of the year, their certificate would be withdrawn. He had, therefore, to put himself in communication with all the police-magistrates he knew anything of, and urge them to send some criminal children to the school with which he was connected, in order to ensure the continuance of the grant. If the system of requiring a certain proportion of children who had been committed by a magistrate was carried out, these schools, which were now supported by two or three persons, with the small assistance received from the Government, would be extinguished, and the children would be turned adrift, thrown upon the streets, eventually to become the inmates of the prisons, with the whole of their maintenance thrown on the State. It was

a very bad thing to hold out to children the idea that they must matriculate as felons before they could graduate as respectable members of society. And such, practically, was the result of the present system.

MR. CAVE said, there was no doubt that the only schools which could claim assistance were those certified under the Industrial Schools Act, and the objection which the promoters of those schools had to being certified under that Act was, that its operation gave to those schools a penal character. In order to give the school a claim to this grant, it had lately been held to be necessary that some, though not as had been stated, a certain proportion of the children, should be committed by magistrates, and recently notices had been sent to some schools that unless they received some of that class of children the grant would be withdrawn. He thought that the children committed by the magistrates should be transferred to the Home Office, because there was no doubt that they were more of the reformatory class of children than those others to whom the Industrial Schools Act applied. But in another portion of that Act there was a most valuable provision which enabled the managers of industrial schools to contract with the guardians of workhouses to take children and train them in those schools. They knew that with some few exceptions, the workhouse schools were extremely bad, and it was difficult to get persons to take as servants those who had been trained in those schools. He was glad to find that a school for educating this class of children had been opened at Brockham, in Surrey, which had been very successful, as had been fully admitted by the Guardians, the Surrey Magistrates, and the Inspector of the school. Mr. Barwick Baker was about opening another in Gloucestershire, and he trusted that in every county of England those schools would be established. It appeared to him that it would be running a great risk of aggravating the evil of which the right hon. Baronet complained, if they were to place the schools, established to carry out this portion of the Industrial Schools Act, under the Home Office, because the Secretary of State had expressed his intention of ignoring that provision of the Act. With regard to the children sent as vagrants, he thought the committal by the magistrates caused the stigma upon them, not the transferring of the schools to the Home Office; but a dis-

tion ought to be drawn between the children committed by the magistrates and the pauper children educated in those schools. He was of opinion that the latter class of children should remain under the care of the Privy Council.

MR. HENLEY said, the question raised by the Motion of his right hon. Friend was one of the greatest importance; but it was impossible to confine attention merely to the narrow ground which had been touched on. The right hon. Gentleman said, with the greatest truth, that the objects most requiring the attention of the State were the poor children of destitute parents, and yet these were precisely the children who were not reached by the present system. They had been well described in the reports of some of the school inspectors as an Arab population. An amendment in their condition had been attempted through the medium of Industrial Schools, to which at first a *quasi* penal character was attached—he was not speaking of the Scotch, but solely of the English system—a certain proportion of the children consisting of those who had passed through the magistrates' hands. But as the efforts of benevolent persons created schools of that description more largely than the requirements of that class demanded, it was thought desirable to add other children who had not passed through the same ordeal. The question then arose, in giving to these schools, under the name of Ragged Schools, a more extended *status*, how was it possible to separate the elements? It was impossible to give an answer to this question, without examining the whole of the educational arrangements. Hitherto all educational grants made by the Privy Council, with the exception of those given to *quasi* penal establishments, were based, under Article 8 of the Code, on two propositions—that the schools should be in connection with some recognized religious denomination; or that the Scriptures should be read daily from the authorised version. The Ragged and Industrial Schools were specially exempted from that code; the conditions being that their objects should be literary and industrial, and that the discipline and moral influence should be calculated to benefit the scholars. But neither directly nor indirectly was a word said about religious education, which was the foundation of all moral treatment. If it were intended to set up a completely new *status* of education for the lower end of society, it was necessary, he thought,

Mr. Cave

that those conditions which were insisted on in the higher grades, should be likewise required when dealing with that unfortunate class which had least chance of receiving religious instruction at home. Unless the Privy Council, therefore, were prepared to take, at least, the same securities with regard to the lower, as in reference to the higher classes, that alone would prevent him from assenting to an enlargement of the system, as proposed by his right hon. Friend. At present their regulations were wholly at sea on that point; and they appeared to rely on the element of religious teaching being introduced by the benevolent persons who interested themselves in the movement. Care, however, should be taken that they were not setting up a system merely of secular education. His right hon. Friend had pointed out that the existing system helped the rich, and did not help the poor. The Privy Council, he found, dealt but with a very limited portion of the children requiring education in England. According to the Census of 1851, the children of an age to receive instruction numbered 4,000,000. Of that number the Privy Council dealt with 800,000, or about one-fifth; but one-fifth was too large a proportion to take, because many of the children were under five years of age; besides which there were 1,200,000 in the Church schools. To show how the present system worked, he would call attention to some remarks of the registrar-general, who was an impartial witness. In 1841 he said the proportion of persons who made their mark to the marriage register was 41 in the 100; in 1858 it was 32 in 100. Now, see how oddly that came out, and how unsatisfactory it was with regard to education. If I have read the figures aright, which I doubt, in 1841, of young men under 21 years of age, four and a decimal only made their mark on marriage; but in 1858 five and a large decimal did so; therefore a larger number of young people, who, it might be supposed, were mainly benefited by education, made their mark on marriage in 1858, than in 1841. The average number of men per cent who signed with a mark, were for all England 8·83, and of women 12 and a decimal; but the House would see, from the Registrar-general's Report, that whilst lately more persons had written their names, yet that for persons under 21 years, the report showed that we were going the wrong way. One of the school inspectors, Mr. Norris, who inspected Cheshire, Shrop-

shire, and Staffordshire, had made a remark which bore most strongly on a point to which his right hon. Friend had adverted. Mr. Norris stated:—

“I should say that schools of this sort were now within reach of about one-half of the population, and that they were giving a very fair elementary education to one-fourth part of the children who passed through them; or, more briefly, that we had reached one-half, and were successfully educating one in eight of the class of children for which the schools were intended.”

Mr. Norris further stated that the class educated was composed of the lower grade of tradesmen, skilled mechanics, and small tenant farmers; and the result, with respect to those who stayed long enough in the schools, was an excellent education; and for those who had been prematurely withdrawn, a smattering of several things and proficiency in none, not even in reading and writing. See how this bore upon the question of the neglect of the lower kind of scholars. Mr. Norris went on to say, “If this is so, an injustice is done to three-fourths of those for whom the schools were intended.” If injustice to those whom they got into their schools from not sufficiently adapting the schools to their wants, how much more did the injustice act in reference to those whom they did not get hold of at all? He would call the attention of the House to one or two facts connected with this matter, to show how the system of Privy Council grants had worked in reference to the poorer and lower classes of the scholars. He supposed that most of those who heard him had seen some comments in what was called the “leading journal,” in reference to the numbers, who, in different parts of England, signed the register of marriage with a mark. He himself had looked into this question a little. Westmoreland was said to be the most highly educated district, with the exception of the Metropolis. Its population was 58,000 and a fraction, and it received £5,700 of the public money. This was the most highly educated county, as tested by the number of persons who signed their names on marrying, 83 women out of 100 so signing their names. Well, what did Mr. Moncreiff, the School Inspector for Westmoreland, Northumberland, Cumberland, &c. say? Mr. Moncreiff stated:—

“I have not observed any material changes in the district since my last report. The number of annual grant schools continues steadily increasing, and is now not far short of 200; yet I cannot say that local prejudices are in any great degree abated. Success or failure is still a matter of great uncertainty, and depending far more on the

personal qualities of the teacher than on his ability or attainments, or even the actual progress of his pupils. The system, as a system, is still, with some striking exceptional cases, thoroughly unpopular, at least in the agricultural districts.”

Now, let the House refer for a moment to the county of Huntingdon, which had a population of 60,000, and therefore afforded the means of a close comparison. Huntingdonshire received from the Privy Council £8,500, being a much larger sum than Westmoreland; yet in Huntingdonshire only 60 women out of the 100 wrote their names on marrying. It was very difficult to understand when a larger sum of money was expended, that a less result should be obtained; but the statement of Mr. Norris with respect to Staffordshire explained the matter, because, if a great majority of the children were not induced to remain at school, injustice was done to those who did not get the education they ought to obtain, and thus, while a great deal of money was spent, the system failed. Cornwall, with a population of 358,000, received £44,000 from the Privy Council, and there 54 women out of 100 wrote their names on marrying. Monmouthshire, with a population of 177,000, received £17,000, and 47 women out of the 100 wrote their names. Staffordshire, with a population of 630,000, received £117,000, being about £1 for every sixth person, and there only 45 women out of the 100 wrote their names. Therefore, it appeared that the upper end, and not the lower end of the population got the benefit of the education supported by the State. Another curious result was exhibited by the statistical tables. They had a right to expect that morality would be the effect of education, but, on looking at the figures, they could not escape the conclusion that instruction was not education. Now Westmoreland, which stood the highest in point of instruction, was the very lowest in the point of morality, for according to the return of the Registrar General one child in every 10 and a fraction was there born illegitimate. Monmouthshire, which stood nearly the lowest in point of instruction, stood immeasurably the highest in morality. How were they to account for these facts? It did seem that instruction and education were somehow separate, and that though instruction might be given, it was not that sort of education that reached the heart. In Monmouthshire only 47 women wrote their names on marrying, and only one child in 28 was born illegiti-

mate. Let him not be supposed to say that teaching people made them immoral, but the facts he had referred to could not be escaped from, and showed that when they took people in hand they should endeavour to educate them as well as to instruct them. These matters proved that the present system was not quite doing all the good that people hoped from it, and was in fact reaching the higher class of children rather than the lower. This was a consideration that mixed itself up with the question raised by his right hon. Friend, and he was sure that sooner or later efforts must be made to suit the education more to the mass of the children in the schools rather than to secure a very high education for the smaller number that would remain in them. Mr. Moseley, on leaving the Privy Council in 1854, left this legacy to the Board:—

“Of the boys between the ages of 10 and 15, only 36 per cent are at school. . . . The proportion of the lower classes after 10 years of age is greatly less. . . . It is not the work of a man at all that is to be done in the education of a child up to that age, but rather that of a woman. All your Lordships’ efforts have hitherto had for their object the perfecting the elementary school in the hope that the children would in consequence remain longer . . . I will not conceal that hitherto this hope has been disappointed.”

That was Mr. Moseley’s parting shot at the Board. Some of the Board’s inspectors had reported that reading was very insufficiently taught. Mr. Bellairs said,—

“The reading frequently fails of rising above mediocrity from the absence of skill in the teachers, and from not insisting that the lessons shall be properly prepared over-night.”

Mr. Fussell said,—

“In some, reading is not ‘taught’ at all in any real or sufficient sense. In others, the reading lessons of the lower classes are conducted with but slight regard to clearness of articulation or correctness of pronunciation.”

In many cases it appeared as though the knowledge and energy of the master were applied principally to the pupil teachers rather than to the lower order of scholars. Whenever this question was gone into in its entirety Parliament would have to consider whether it would not have to enlarge the industrial and ragged school system in some way, so as to put the whole system of education on such a footing that it would catch the humbler classes more effectually than at present. The highly cultivated masters were too high to attend to the lower classes of children. If it was found

impossible to keep children at school after 10 years of age, some means must be devised by which they would obtain a better education than at present. Those who desired to obtain a higher class of education could afford to pay a little more a week for it, and though he would not have them debarred from any of the advantages which they enjoyed at present, yet he would not have Parliament shut its eyes to the fact that there was a large portion of the poorer class of children who did not get that education which they had a right to receive.

MR. LOWE said, he had listened with great interest to the speech of the right hon. Gentleman who had just sat down, and he confessed himself unable to explain the statistics which he had quoted. But the right hon. Gentleman must recollect that the system on which the education grants were distributed was not a system which professed to provide education for the whole country. There was not the least reason for assuming that the amount of education in the country ought to be in proportion to the amount of the education grant; for the principle on which the education grant was administered was not that which the right hon. Gentleman shadowed forth. The system of the Privy Council, whether for good or evil, was to originate nothing. It gave money for education to those who were willing to subscribe money, and if there were more schools in one county and fewer in another, it was because there were more people in one county able and willing to subscribe their money for the purposes of education than in another. When the right hon. Gentleman complained that under the present system the higher class of the working classes were amply provided for, and the poorer class neglected, he complained of that which was the very essence and principle of the system. The system being a voluntary one, it was a necessity of it that that which the right hon. Gentleman deplored should take place. The rich would provide for their own neighbourhoods, and often to excess, and the poor who had no rich among them would be unprovided for. No doubt that was a great evil, and one much to be deplored, but it was a necessary result of the present educational system. Passing next to the remarks of the right hon. Member for Droitwich (Sir John Pakington), he must say that he felt somewhat oppressed by the high moral position which the right hon. Gentleman had taken up. All the argu-

Mr. Henley

ments of feeling were on the right hon. Gentleman's side, and he was afraid he should appear in the character of a griping economist, refusing to the poor that which he admitted they so earnestly needed. But if the House followed the advice of the right hon. Gentleman, and imposed on some future educational Minister the task of coming down to Parliament to ask for some hundreds of thousands of pounds for an educational grant, it would then be for those who were not in office to take up the line of economy. Before proceeding further it would be necessary to point out which schools were and which were not under the Privy Council. There were, first, the reformatory schools, to which children might be sent after conviction for crime; these were under the Home Office. Then there were the certificated industrial schools, to which children might be sent by a magistrate after committing an act of vagrancy. With these, also, the Privy Council had nothing to do. Then there were the elementary schools which received relief from the Privy Council, which were defined in the code of the Privy Council as schools in which the children of the honest poor received education, attending them from their homes. But besides these there were the subject of that evening's debate—the ragged schools, well defined in the 227th section of the minutes as “schools voluntarily established and maintained for children who have no home, or no reputable home—who depend on these schools for their domestic and industrial as well as their literary education, but who attend without legal compulsion, and are vagrants rather than criminals.” With regard to these schools, which were neither certified reformatory nor industrial schools, nor elementary schools, considerable error prevailed. The hon. Member for Surrey (Mr. Briscoe) said that none of them received aid from the Privy Council, but, unfortunately for the Consolidated Fund, there were forty-six of them receiving aid to the amount of £6,500 a year. The right hon. Member for Droitwich said that the Privy Council gave nothing towards instruction in these schools, as distinguished from industrial training; but, as was very clearly stated by the right hon. Member for North Staffordshire (Mr. Adderley), relief was given to these schools. There was open to the ragged schools every grant which was open to the elementary schools, or any other schools established purely for instruction. They could receive money for

building schools, for certificated masters, and for pupil teachers on the same conditions as any other schools, if they chose to comply with them. They had open to them every facility which was granted to the elementary schools, and it was not correct to say that they were excluded from the Privy Council grants. Nay, more—they had open to them certain privileges which other schools did not enjoy. In the first place, the capitation grant was only given in ordinary cases with respect to children who paid a certain amount in school pence; these ragged schools received no payment whatever from the children, yet they were allowed the capitation grant. In the second place, in addition to the certified teachers, they were allowed to receive payment for an inferior class of teachers. In the third place the elementary schools were not allowed to receive any annual grant from the Privy Council for books or pupil teachers, unless they had a certified master. These schools were allowed to receive that in common with other schools. Again, the rule which was applied in the case of elementary schools was relaxed in their favour, and the children needed not to attend from the homes of their parents. The disadvantages to which these schools were subject were three. One was that they must be called by an ugly name—they must be “ragged” schools. They were also required to give industrial teaching to each child, and this of course imposed another burden upon them, which might probably in some degree balance the advantages which they enjoyed over other schools. Thirdly, they were forbidden to receive fees from their children. He thought he had stated enough, however, to show that these schools were not excluded from the benefits of the system, and were not peculiar objects of the displeasure or aversion of the Committee of Council.

He would next proceed briefly to notice the arguments by which the right hon. Gentleman supported his proposition that these schools should receive a different rate of payment from that given to the elementary schools. It was done to some extent already, but the right hon. Gentleman wished that difference to be much more marked. Unintentionally he had paid the greatest tribute to the management of the Committee of Council, because in his Motion he gave a reason for his proposal which was utterly subversive of the whole principle and practice of the Council, and

thereby virtually admitted that according to the principles on which they acted they could not adopt any other course in respect of these schools. The right hon. Gentleman said that the education grants "ought to be expended with fair and just regard to the requirements of the different classes of schools recognized by the minutes of the Committee of Council." That seemed a very fair proposition, but the practice of the Privy Council was not, and never had been, in conformity with it, and if the House affirmed the Motion they would lay down an entirely new principle of action, which would be subversive of all the principles hitherto acted upon by the Department. The practice of the Committee of Council was not to give grants in consideration of the requirements and necessities of schools, but in consideration of private persons coming forward and supporting them. [Sir JOHN PAKINGTON: Hear!] Did the right hon. Gentleman wish to overthrow that practice? Because, if so, it would have been better to have raised the issue in a more tangible shape. The right hon. Gentleman could not mean that there should be one set of principles for one class of schools and another for a second class, because his Motion embraced schools of every class. Probably, therefore, he had not clearly considered the principle on which the Privy Council acted in these cases. By affirming the Motion the House would at once sweep away the present system, and in that case they ought to furnish some guide by which the Committee of Council could construct another system. It might be desirable that aid should be given not merely according to the wealth but according to the necessities of a district; but the wisdom of Parliament had never yet devised a system which would render this possible. To the next argument he attached great weight. The right hon. Gentleman asked the Government to continue the present system of elementary schools. He knew well the immense trouble and outlay into which the Department was led in the attempt to establish schools of a high tone and character, to create a good type of education, and to obtain masters who would not only teach well, but would furnish a high standard in the formation of other schools. But the right hon. Gentleman said in effect, "Go on with one set of schools, founded on the best principles, and coming up to the highest standard you can devise for the education of the poor; and, side

by side with them, create another class of schools, with hardly any of the precautions which you take in the other case to ensure their efficiency. [Sir JOHN PAKINGTON: We have done it.] That was true. He was not arguing whether it was right or wrong to do so. But observe what had been done. The Government had allowed the two systems to remain side by side, each on its own merits, not favouring the one above the other, but standing impartially between them both. [Sir JOHN PAKINGTON: No!] He contended that the Privy Council had acted impartially towards each. Some persons declared that they leaned too much to the ragged schools, and that was his own opinion; others held that too little favour had been shown to such schools, so that it was tolerably evident that there had been no great amount of bias either way. But the right hon. Gentleman now said— "Take the inferior type of schools; give them bounties, foster them, throw the weight into the balance; as far as public money is concerned show that they are your favourites, while at the same time you profess that your object is to raise the standard of education in this country." It was just as though the right hon. Gentleman had advised the Government to set up a shop for the sale of pure articles of consumption, and at the same time to establish by its side another shop for the sale of adulterated goods, largely subsidizing the latter in order that it might compete the better with the shop where everything was unadulterated and pure. Having created a good thing, the right hon. Gentleman would have them foster an inferior one, and give it larger grants of public money, so that it might compete more successfully with its rival. If such advice were followed, it would drag down the whole system of education in this country. The right hon. Gentleman had read an extract from Miss Carpenter's work on this subject, but there was another passage in which, speaking of the Minute of 1856, Miss Carpenter said that the natural consequence ensued; that numbers of schools, allured by this promise—namely, by the payment of a larger sum of money, which was exactly what the right hon. Gentleman wanted them to do now—and allured by this easier method of obtaining Government aid, designated themselves ragged schools. That was just what would happen now. If it were found that larger grants of public money could be thereby obtained,

school children would in a vast number of cases be described as ragged, disreputable, poor and destitute, and unfit for human society. There would be a run upon the Government for these grants, and scholars would be drawn away from the good schools. [Sir JOHN PAKINGTON.—Can not you trust your inspectors?] Certainly not. Without wishing to cast any reflection upon the inspectors, who were men of great intelligence and ability, the experience of the department was that they could not afford to spend the enormous sums of money voted by Parliament merely on the reports of those gentlemen. The Committee of Council did so as little as possible, the experience of those most practically acquainted with the working of the system being to the effect he had stated. Were it otherwise, the question would be simple indeed. The Council would have nothing to do but to send out their inspector and grant the money on his report; but they were satisfied that, partly from good nature on the part of the inspectors, and partly from other causes, such a system would not be trustworthy, and that no one having a proper regard to economy could safely administer the education grant on such a principle.

There was another argument, which appeared to him unanswerable. The right hon. Gentleman asked the Government to pay the ragged schools more highly than any other class. Now, when he was called upon to award a sum of money to any school on the ground of its being a ragged school he should require some kind of test that it was what it professed to be. Such a test was necessary, or otherwise you invested a Minister of Education with a power, which no Minister should possess, of arbitrarily squandering public money. Now, taking the present definition of a ragged school laid down in the Minutes of the Council—a definition with which the right hon. Gentleman had declared himself satisfied—it was impossible to fasten upon it any test of the kind. At present it was of no importance whether this definition was or was not satisfied; but if the grant were increased everything would turn upon it. The manager of the school would say that all the conditions contained in the definition were complied with; but he could not, of course, grant £2 10s. a head upon the simple assurance of the manager, or otherwise Parliament might reckon on an increased expenditure of hundreds of thousands. Then the ques-

tion would arise whether, in the words of the definition, the children attending the school had no home, or no reputable home. Was he to send an inspector to ascertain whether the child had a home at all, or whether, if it had a home, the parents were reputable persons? No public department could undertake to institute such inquiries as these, and yet without them it would be impossible to carry out the proposal of the right hon. Gentleman with a due regard to the public purse. They were not without some information on this subject. In 1858 a sum of £27,000 was paid to these schools. The Minute of 1857 then began to tell, and in 1859 the amount paid was £18,000, and it had been still further reduced. The amount would get up again to £27,000, and a hundred times that amount if there was no check applied. The Council of that day had devised a scheme, finding it impossible to rely upon the representations of managers, and a certificate was required from two justices that they had satisfied themselves that the young persons in a particular school had been convicted of crime or were accustomed to begging or vagrancy, not having any settled home, and were without proper guardianship, and without any visible means of existence. That certificate, however, was found to be ineffectual, and the Council had been obliged to cancel the minute. He would just mention one school as an instance of the growth from a small beginning of a grant from the Council. It was first an industrial and ragged school; then it became a certified ragged school. In 1854 that school received £118; in 1855, £117; in 1856, £214; in 1857, £864; and 1858, £1,565; and in 1859, £1,601. He was sorry to say that in the present year it had received £1,047. It was useful to know of what items those payments were made up. There was £150 for rent, £665 for raw materials, £200 for paying teachers, and only £25 for capitation grants. It was quite right that the House should understand the nature of the system. He had shown what would be the state of things if no check were applied, and the Resolution of the right hon. Gentleman should be adopted unaccompanied by any suggestion of a sufficient test to regulate the expenditure of public money. He did not pretend to say that the abandoned class of children, as they were termed, should be left without succour from the State, but he held that it was quite impossible that that assistance should be ad-

ministered by the Privy Council. He thought it right he should state his views, lest he might be thought inhuman in providing no help for those poor children. There were three departments very closely united—the Home Office, the Poor Law Board, and the Privy Council. The Home Office was charged with the repression of crime among the people, the Poor Law Board was charged with the maintenance of those of the people who could not maintain themselves, and the Privy Council was charged with the management of the education of the poorer classes, who were neither paupers nor criminals. It appeared to him that whenever a child had sunk so far below the level of other children as to have no reputable home and to be unfit for the society of other children, on account of dirt, depravity, or other cause, it must be attributable to one of two causes, either there was no parent or a parent unable to maintain the child, in which case it was a proper subject for the Poor Law Board, or the parents had neglected their duty, which made it a proper case for the Home Office to deal with. When they reached that point they had reached the limit of legislative interference. Pious and benevolent persons might form schools for those children, but the matter was too delicate for the interference of a department like the Privy Council, and it must either be left to private benevolence or to the compulsory action of the Government officer whose business it was not to allow half a million of children to grow up without restraint or guidance.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 41; Noes 25: Majority 16.

Main Question put, and *agreed to*.

House in Committee of Supply.

Mr. MASSEY in the Chair.

(In the Committee.)

(19.) £598,167, Public Education (Great Britain).

Mr. LOWE said, he rose to give a brief explanation of the Vote. During the past year the schools inspected had increased by 171; the number of children by 58,387; the number of pupil teachers had increased by 1,200; of certificated teachers by 990; of students in training by 85; and children upon whom capitation grants were paid by 52,199. There had been no less than 247 new school-houses built and 178 dwellings for teachers; 230 other schools

had been enlarged and accommodation created for 58,000 children. The number of children found in the schools by the Inspectors was 880,131, rather more than 58,000 in excess of the number of children found present in the schools in 1858, which was 821,744. The Estimate for the present year was £798,167, the sum for the previous year being £836,920. It would therefore appear that there was a diminution in the Vote this year as compared with that of last of £38,753. He regretted, however, to say that the diminution was not real, and that the Estimate of the present year was really an increase of £36,000 over that of last year. He could assure the Committee that the Committee of Education had made every effort to administer this fund with the utmost economy consistent with efficiency, and, as a proof, it might be mentioned that while the Estimate for the year ending December 31, 1859, was 761,000, the expenditure up to that date was only £723,000, so that by close and careful management the Education Committee expended about £40,000 short of the Estimate for the year. No doubt, a great deal more remained to be done, and more would have been done in the direction of economy, had not the Education Committee felt themselves restricted by the appointment of a Royal Commission, whose attention was entirely directed to the subject of education. It was the opinion of the Education Committee that further retrenchments might be made without any sacrifice of efficiency, but it was thought more respectful to wait for the Report of the Commissioners on Education, which he trusted would be made this year and would enable the House to come to a satisfactory re-arrangement and re-adjustment of this Vote.

He wished to make one or two remarks on the subject of economy. With regard to the schools, and especially the foundation schools, it was found that the liberality which made them comprehensive was the truest economy, and that if they were built on exclusive principles the effect was greatly to increase the expenditure. For example, if there were 100 children to be educated in a given parish, and if one denomination came and asked for a grant for the education of 100 children, then if that school were founded upon liberal and comprehensive principles, so that all the children of the parish could receive their education in it, the Privy

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Council knew that that parish was provided for, unless in the event of a great increase of population, and that no more would be asked for that parish. If, however, the schools were founded upon exclusive principles, so that the people of other denominations were obliged to come to the Board, and say, "Here are fifty of our children whose consciences are violated" they made out a case for another school, and two schools were built where one would suffice. Although it was said to be a blessing to make two blades of grass grow where one only grew before, yet this saying could not fairly extend to men who built two schools where one would be sufficient. He feared the country was somewhat retrograding in this matter, for the deeds under which schools were founded were for the most part more exclusive than they were thirty years ago, and were now formulated with the greatest precision and accuracy, from the circumstance, as he believed, that as people's attention was drawn to these matters, they looked more narrowly than formerly to the boundaries of their denominations. The British and Foreign schools were open to all classes of Christians except Roman Catholics, who did not use the Protestant version of the Bible. It was found, however, that these schools were now replaced by denominational schools, especially Wesleyan, so that the system was growing more wasteful rather than more economical. It reacted on its own agents, for the denominational element reacted on the denomination, and made the antagonism with other denominations sharper and more defined. One other principle was also conducive to economy—namely, the strict appropriation of all the education grants. The Education Office was overwhelmed with labour, because they were obliged to ascertain the conditions on which the money was granted, and then they were bound to see that the money was given to the exact persons for whom it was intended. It was necessary in dealing with so many bodies and individuals to act on principles of the greatest distrust. The whole of the stipends of pupil teachers and assistant teachers, the grants to the masters and mistresses instructing them, and the capitation grants, were made by means of Post Office orders. The greatest precaution was necessary in dealing with each school, and in ascertaining the locality, the denomination, and the nature of the grant, or else the Education Com-

mittee would never know what became of their money, unless the greatest precautions were taken. The right people would not receive their salaries, and it would be impossible to administer the grant. A great deal had been done to facilitate the working of the Board by preparing a code of the rules of the Board. That was a task of very great difficulty. He, himself, had attended to it, but the chief credit was due to the gentlemen who were at the head of the department. A great reduction had been made in the building grant, which had been diminished by three-eighths, so that where the Privy Council formerly gave 4s., they now gave only 2s. 6d., and where they formerly gave £100 they now only gave £65. It was not found that this deduction had checked the applications for building. The public had submitted most cheerfully to the reduction, and the Privy Council had reason to congratulate themselves upon the saving that would be effected upon this item. The Privy Council had also determined to withhold further grants towards the erection of training schools. There were thirty-six now in operation, and it was believed that this number was quite sufficient. They had also determined to suspend the extension of capitation grants to Scotland during the coming year. No doubt Scotland was fairly entitled to the same capitation grant as England; but the matter had been under discussion before the Royal Commission. The opinion of the Privy Council was not favourable to these grants, and the managers of the Scotch acquiesced in their determination in the handsomest manner. The sum paid to pupil teachers was rather smaller this year, being £285,000 against £293,000 last year. The credit of effecting some reduction in this Vote was due to the right hon. Gentleman (Mr. Adderley), and the Marquess of Salisbury, who very advantageously limited the number of pupil teachers in any school to four. This item for pupil teachers was pointed out as the most outrageous of the whole Estimate, chiefly, perhaps, because it was the largest item. It was, however, the opinion of all those best qualified to judge, that whatever became of the pupil teachers after their apprenticeship, for every penny laid out upon them the public derived the full benefit. The amount which they cost per week was only 5s. 9d. each. That sum secured, during five years, from the age of 13 to 18, the services of very intelligent, industrious young people, who, under the

inspection of the masters, really conducted the education of the schools. If the pupil-teacher system were to be abolished, it was the opinion of competent judges that it would have to be replaced by a system fully as expensive, if not more expensive. In that event a very considerable loss would be entailed,—the loss of the education which had been given to large numbers of young persons, who if they did not all, as the most of them did, remain in the department, formed a valuable reinforcement to the lower classes in point of intelligence and education. He was satisfied that the soundest part, the healthy care of the whole system—that which entitled it most to the support of the House and of the country, consisted of the grants to pupil teachers. They had this advantage, that they provided effectually for the education of a very useful class of persons over whom they had complete control; and that, further, they enabled them to send out into the world some 3,000 well-educated young persons. It was a common complaint that the pupil teachers deserted their business. The fact seemed to be that 12 per cent went off, and never passed through their apprenticeship; and that of those who did complete their apprenticeship 10 or 12 per cent more abandoned the profession of teacher for some other employment. Of the whole number of pupil teachers, however, at least 76 per cent became schoolmasters and schoolmistresses.

MR. HADFIELD said, that whilst he thought their obligations were due to the right hon. Gentleman for his exertions on this subject, he was gratified to find that this threatening tax upon the country was arrested in some degree. His opinion was opposed to any system of Government education whatever. Every class of non-conformists, excepting, perhaps, the Wesleyans, were unanimous against receiving any Government pay for education. They preferred to do their work and to pay for it themselves. He had watched with dismay the rapid increase in the grants from £20,000 to nearly £900,000, and had naturally been alarmed at the prediction of the late Chancellor of the Exchequer, that they would in time amount to £3,000,000. He believed that the noble band of unpaid voluntary Sunday school teachers, to the number of 350,000, did more to promote the moral and educational improvement of the nation than all the efforts of the State. He said that in no sectarian

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spirit. He believed that two-fifths of the number of children in the country were educated by the voluntary efforts of the Established Church, and he gave them equal credit for their exertions.

MR. NORRIS expressed his surprise that the hon. Member for Sheffield should speak of the labours of those who devote themselves to the instruction of the young on the Sabbath as worthy of the highest praise, while he sneered at those who were engaged in the same vocation on the week days, and as they could not afford to give their services gratuitously accepted the pittance allowed by Government. For his own part he thought the course adopted by the Government was a perfectly correct one; or if they committed any mistake at all it was that the system they adopted gave aid to those districts where the wealth of the inhabitants would enable them to dispense with it, while little or no aid was given in districts which from the poverty of the population stood most in need of assistance. He concurred on this point with the right hon. Baronet the Member for Droitwich, and he hoped that they would not be deterred by the expense from doing something to carry that principle into effect.

MR. HENLEY said, he was rather alarmed at hearing the right hon. Gentleman the Vice-President of the Board of Education say that he hoped to promote economy by making the schools more comprehensive, following it up by the statement that the British and Foreign schools were dying out, because those schools were very comprehensive. If the British and Foreign schools were dying out it was a pretty good proof that the country preferred the denominational system. With regard to pupil teachers, in all good things there was a liability to run into excess. There had been a tendency to run into excess with pupil teachers, but a proper limit seemed now to have been put upon the system. He did not think that the statement of the right hon. Gentleman that the schools were more exclusive than they were thirty or forty years ago was founded on fact. It was not the case with the schools connected with the National Society, and he did not know to what other schools the observation could apply.

MR. ADDERLEY said, he thought the thanks of the country were due to the present Committee of Council for the retrenchment they had been able to effect, and which was absolutely necessary if the

system was to be rendered safe and permanent. In their endeavours to subsidise voluntary efforts they must take care not to override or overlay or supersede private liberality, but rather to stimulate it. As to the poor districts, of which so much was said, it must be recollected that there were many districts with a poor tenantry with rich absentee landlords, and it would be a dangerous thing if the state were to be too ready to come and do for those landlords what they ought to do and what other landlords did for their tenantry. He thought the country was much indebted to the Committee of Council for the codification of the Minutes, by which it was now rendered easy to know what was the law of this system, and if this codification were continued year by year no innovating principle could be adopted without the knowledge of Parliament. He agreed with what had been said in favour of the denominational principle which appeared to be the only one that could stimulate the zeal and liberality of the country.

MR. LONGFIELD remarked that the debate had an important bearing upon the question of national education in Ireland. It was admitted that the English system was entirely different, and that the denominational principle was the one that was most advantageous to the State, most efficient, and most acceptable to the public. The State could do very little after all for the real education of the people, though it did not appear to him that the statistics quoted by the right hon. Gentleman the Member for Oxford bore much upon the question of that particular morality on which the right hon. Gentleman had dwelt. The truth was the Danish population in the north was the laxest, and the Celtic population in Wales was the strictest in its ideas on that subject. The denominational system ought to be extended to Ireland, if only for the co-operation of benevolent persons which it secured, and which was obviously so valuable in securing the proper administration of the State grants. It was also apparent that no system of mixed education could be so efficacious as one in which definite religious instruction was afforded.

MR. H. A. BRUCE said, he cordially assented to the principles enunciated by the right hon. Gentleman the Vice-President of the Council. He had heard with astonishment the statement of the hon. Member for Sheffield (Mr. Hadfield) that the Nonconformists as a body repudiated

State aid in education. He (Mr. Bruce) lived amongst a dissenting population, and he had certainly not observed any disinclination on their part to receive educational grants. In Wales various local circumstances had the effect of throwing the education of the people in great measure into the hands of a denomination which was the least numerous in that country. A gentleman who was a churchman naturally founded his schools on Church principles without considering the religion of the people about him. He had himself acted in that way; but afterwards becoming trustee to a large property he found a school in which there was 2,300 children, not a tenth of whom belonged to the Church. He therefore disconnected that school from the National Society and made it a British and Foreign School. The position in which he stood to that locality was exactly the position in which the State stood to all Wales; and he would ask the House was it right to take the public money and apply it to the education of dissenting children in Church schools? The State ought to take care that its grants were not made use of for the purposes of proselytism.

SIR JOHN PAKINGTON said, he had the rare good fortune to agree both with his right hon. Friend (Mr. Henley) behind him and with the right hon. Gentleman opposite. That was to say, he believed that the denominational system of instruction was the best, but he believed that, along with this, there should be no exclusion of the minority. The more he reflected on it the more he was convinced that this was the true solution of the religious difficulties in the matter of education. He held, however, that the present system was only a transition system. They could take no effectual steps till they received the Report of the Royal Commission on Education—a Report to which he looked forward with the greatest interest and anxiety. But he must say he had been much struck with the remarks made in the course of the discussion on the subject of economy. And he could not forget that successive Chancellors of the Exchequer had complained of the magnitude of these grants. Now he wished to remind the Committee that for several successive years he had drawn the attention of Parliament to the subject, and had predicted that if the State were in this way to attempt the education of the whole people they would at last arrive at an expenditure so large that the country

would not bear it. Successive Ministers of Education were complaining of this expense. His right hon. Friend the Member for Oxfordshire had taken part in this discussion as the conspicuous advocate of the existing system.

MR. HENLEY: Of the existing system as compared with other systems proposed against it.

SIR JOHN PAKINGTON: They had heard from the lips of the right hon. Gentleman that night that the existing system only reached a small minority of the people. [Mr. HENLEY: Hear, hear!] Then the existing system left a large substratum of the population of the country who were entitled to aid on every ground of benevolence, and on every ground of national policy, but who were not reached or touched by the existing system. Was not that a state of things demanding the most careful consideration? They had the admission of the friends of the system that it only touched a portion of the people, and that it left the most destitute and necessitous class altogether untouched, and simultaneously with that admission they had a cry from both sides of the House that the system had become too expensive. He wanted no more than that to justify the opinion he had before expressed, that he was not satisfied with the existing system. He thought the Committee had received acknowledgment of its inefficiency, and that if they meant to educate the people of England they must adopt some system more efficient than that now in operation.

MR. PULLER said, that he could not join in the satisfaction expected by many hon. Members at the efforts made by the Committee of Council to curtail this branch of the national expenditure. The chief objection to the existing system was, that, while all the parishes in the country contributed rateably to the Parliamentary grant, less than half the number received any direct benefit from it. The principle of the system being, as had been correctly stated, to assist the voluntary efforts of individuals, what was the consequence? Why, that those parishes in which there was the most wealth and the most benevolence, and which consequently stood least in need of assistance, received large assistance from the Parliamentary Grant; while those parishes in which there was the least wealth and benevolence received none at all. The Committee of Council had, in fact, during the last twenty years, been

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taking, as it were, the cream of the parishes, extending their operations first into those in which the greatest facilities already existed for the establishment of good schools. Having pretty well exhausted that class of parishes, there remained another and a still larger class, those in which, from the absence of wealthy and benevolent inhabitants, it was more difficult to procure that amount of voluntary exertion, without which the Committee of Council was unable to grant assistance. Well, in this state of things it was that, alarmed, not, he believed, by anything that they heard outside of that House, but by the speeches of a few hon. Members, the Committee of Council, instead of offering increased inducements to private charity, as might have been expected, had actually taken a retrograde course, and lowered the scale of their grants for building and enlarging schools. He thought that such a course was exceedingly unjust to all that large class of parishes who out of their poverty had contributed now for many years to the expense of the system, but had not yet received any direct benefit from it. There was another mode of economising the public money, which had been suggested as not impossible in the speech of the Vice-President of the Committee of Council, which was of far more importance than any alteration of the building grants. He alluded to what the right hon. Gentleman had said in praise of the comprehensive, as distinguished from the denominational system of education. He would not attempt to discuss which of these two systems would be the best, if the State took upon itself the whole expense of building and maintaining all the schools in the country. But as the State did no such thing, and in fact only contributed about one third of the expense in schools where private individuals could be found to provide the remainder, it was clear that the real question was, not which system might be thought the best in other respects by the Committee of Council, or even by a majority of that House, but which system was most acceptable to the great body of those benevolent individuals to whose charity it was owing, that so many good schools had been built and supported all over the country. Now could there be a shadow of doubt on this subject? Was it not notorious that in nineteen cases out of twenty, the chief motive which induced men to contribute liberally to the work of educating the poor was

the desire to have them instructed, not merely in reading, writing, and arithmetic, but along with these useful acquirements in the knowledge of Divine truth? That religious feeling, though not generally of a controversial character, was in almost all cases associated with a strong attachment to some particular Church or sect. He had no doubt at all that of the members of the Church of England, who now contributed so largely to the support of the existing schools, by far the greater number would entirely decline to give their money to schools in which the religious teaching was not of a definite and specific character. He did not mean by that that there was a disposition among churchmen to confine the benefits of their schools, and exclude the children of Dissenters. The reverse was the fact—the rules of the national society respecting the catechism and other formularies of the Church to which allusion had been made were generally understood to leave a large discretion to the clergy and managers of schools, and the children of Dissenters did actually in great numbers share in the education given in the Church schools. But still he was quite sure that the members of the Church generally would never consent that the religious teaching in their schools should be limited to that which was described as of a “comprehensive” character, or that the management should be entrusted to any but churchmen. If that was the feeling in the Church of England, how did the matter stand with other bodies of Christians. They had been told this evening by the Vice-President of the Committee of Council, that the great Wesleyan body were not satisfied with the comprehensive schools of the British and Foreign School Society, but preferred whenever they were able to establish schools of their own; of the Roman Catholics he need hardly speak; no man could doubt that they would strenuously object to the children of their persuasion being educated in any but Roman Catholic schools. Then as to the other denominations of Christians, what had they just been told respecting them by the hon. Member for Sheffield (Mr. Hadfield)? Why that they repudiated the system of State assistance, and looked to their Sunday schools as the real means of touching the hearts of their children, and informing them about spiritual things. Did he blame them for that? Not at all. He thought it very natural that having for week-day instruction only the

comprehensive schools of the British and Foreign School Society, in which the Bible was read without note or comment by a teacher chosen without reference to his religious opinions, they should be altogether dissatisfied with such schools, as a means of giving religious instruction, and should for that important purpose rest altogether on their Sunday schools. He would be exceedingly sorry to say a word in depreciation of those Sunday schools, or of the hearty zeal of those, by whose voluntary exertions they were carried on. He felt that the country owed a great debt of gratitude to those persons. But still it was only right that in apportioning praise it should be done with justice. Of the young persons who profited by the Sunday schools, a very large proportion had previously gone through a course of elementary instruction in the schools of the Church, and without that previous teaching, it would not have been possible for them to derive that amount of advantage which they now obtained by attending once in the week at the Sunday school.

MR. AYRTON condemned the mode of taking the Vote in one sum of £798,000, instead of its being divided into separate heads, and protested against the present system on which the grant was administered, because it did not ensure that one farthing of the money should be given to the poorer classes, and had a tendency to increase the cost both of the building of schools and of instruction. He believed that one-half of the Vote was money wasted, because it led to extravagance in the cost of education, while the whole sum was expended on principles which did not secure its application for the benefit of the poor, the only class in whose behalf such grants ought to be made.

Vote agreed to.

(20). Motion made, and Question proposed,

“That a sum, not exceeding £82,951, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connection with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the 31st day of March, 1861.”

MR. CONINGHAM said, he rose to call attention to the item for the Kensington Museum. He wished to ask what were the ulterior objects for which that institution was intended. It had been justly characterized as a large advertising shop

which came into competition with the traders of the Metropolis. The building itself was a great toy, and the articles exhibited in it partook of the nature of toys. Some years ago a great sale took place of a collection of majolica and various articles of *virtù*. The Government devoted many thousands of pounds to purchases on that occasion, the effect of which was to raise the market price of those objects 200 per cent. Since then these articles had maintained an artificial value far beyond their intrinsic worth. This museum, which was supported by the public taxes, also entered into direct competition with the photographic societies and private photographers of London. Some years ago, when the public money was employed in carrying on a competition with the book trade, Mr. Longman and Mr. Murray, the eminent publishers, memorialized the Government against the practice, and it was subsequently abandoned. In the present case, however, there was an attempt to renew the same indefensible system in respect to photography. He was sorry the right hon. Gentleman the Chancellor of the Exchequer, who was a "Freetrader without exception," was not in the House, because that right hon. Gentleman would acknowledge that this practice was inconsistent with the true principles of political economy. Another point deserving of notice was the mysterious intrigues which had been going on for the removal of the English school of pictures in the National Gallery to Kensington. A correspondence had taken place between Sir Charles Eastlake and Mr. Redgrave, in which the conduct of the director of the National Gallery certainly came out in favourable contrast with that of the official of the Kensington Museum. Mr. Redgrave had urged the precipitate removal of the pictures of the British school to Kensington, and declared that the less the matter was talked of the better. In one of that Gentleman's letters occurred a significant postscript, begging that his haste might be forgiven, for he was writing against time, "to save the train for Windsor." This ought to excite the jealousy of the House, and he trusted there would be an effectual interposition on the part of the few Members of Parliament remaining in town to prevent the further progress of these intrigues, for he could call them by no better name. When he found Cabinet Ministers trotted down to the Museum for the purpose of perpetra-

Mr. Conningham

ting a Court job, one could not help thinking there were other gentlemen anxious to obtain seats in the Cabinet by doing what was agreeable to those who were known to exercise a most decided influence in the formation of Ministries. He should certainly keep a most watchful eye on the proceedings of these gentlemen. He did not accuse the noble Lord or the President of the Council of any ulterior intentions in establishing this influential and despotic authority which it seemed the Kensington Museum would wish to exercise over the science and art department in this country; but, consciously or unconsciously, they might be the instruments of others. So far from benefiting either the sciences or arts of the country, he believed the Kensington Museum was really nothing but a great toyshop for the amusement of the residents in the west-end and other influential personages in that locality. He would especially call attention to the fact that the salaries of the officials of Kensington Museum were high compared with those of the British Museum, and had been gradually increased. Mr. Cole, for instance, the general superintendent, received £1,200 a year; while at the British Museum the most eminent scientific man in the country, or perhaps in all Europe, Mr. Owen, received only £800, and the chief librarian a similar sum. He was quite prepared to support a Motion for increasing the salaries of the officers of the British Museum, whose labours and qualifications fully entitled them to ample remuneration; but from what he knew of Kensington Museum he could not help thinking that the public money might be much better spent than it was there. The report on the Kensington Museum was a most unsatisfactory document. On free-trade principles it was most unsound, and it was strange indeed, proceeding as it did from so orthodox a professor of political economy as the right hon. Gentleman; but it was rumoured that after all the Report was not entirely his, Mr. Cole having had a finger in the pie. He should like to have a satisfactory contradiction on that point from the right hon. Gentleman.

Mr. ADDERLEY said, he wished to redeem a pledge he had given a short time since to the President of the Royal Hibernian Academy. When the noble Lord brought forward a Motion for a grant to that school, he had felt it his duty to make a statement as to the attendance on the life school which had given some

annoyance, and he promised to state the authority on which he had made the statement. He begged now to observe that his authority was Mr. McLeod's report, which gave the average daily attendance for the last ten years in the living model school of the Royal Hibernian Academy at about eight, and he was, therefore, led to suspect that parties were allowed to be present who were not scholars.

MR. CARDWELL said, he also wished to say one word in justification of the President and Council of the Royal Hibernian Academy. He held in his hand a letter written by Mr. Smith, the able President of the Institution, which stated that the rules of the Academy were in all respects the same as in London, and that no departure was permitted or would be tolerated by the Royal Hibernian Academy. He had also a letter from the secretary of the Academy, who stated most distinctly that three classes only were admitted—namely, first, pupils of the Academy who by their drawings from the antique had shown due qualifications, and who were admitted by the Council to the living model school on inspection of their drawing; second, pupils from the art school, on the certificates of the masters; and, third, practising artists who were known to be such by the Council of the Academy.

SIR JOHN SHELLEY said, he had gone into the Committee on Kensington Museum with the expectation that such acts of jobbery would be disclosed as would hold up the Institution to ridicule; but he was bound to say, so far from that being the case, he could discover nothing in the shape of jobbery. It had been said that the British Museum and Kensington Museum had competed together at public auctions; but on the evidence there was not a word of truth in that allegation. After examining into all the circumstances connected with the South Kensington Museum he honestly believed that it was doing a great deal of good. It necessarily was at a great distance from the eastern end of London, but it was no longer possible to have one great central museum which should be equally within range of all the inhabitants. It had been alleged that in photographing the cartoons the authorities were interfering improperly with the limits of private enterprise; but it was impossible to trust objects of such value to be handled by persons unconnected with the department. Mr. Cole, to whom

reference had been made, was a most energetic public servant, and, though he received £1,200 a year, he discharged duties for which £2,000 annually had formerly been paid. In addition to this he had been for twenty years connected with the Record Office, and to him was largely due the merit of whatever success had been obtained at the South Kensington Museum.

MR. CONINGHAM said, that as an instance of the manner in which the officials connected with the South Kensington Museum overstepped their duties, he might mention that they had at first induced the trustees of the British Museum to refuse Mr. Colnaghi permission to photograph the Elgin marbles, though they afterwards consented to his doing so. The system of advertising and puffing which was carried on at that institution was quite foreign to the character of any public institution.

SIR JOHN SHELLEY observed that these charges had been gone into very fully by the Committee.

MR. CONINGHAM: Why was I not nominated upon it?

SIR JOHN SHELLEY said, he was sure his hon. Friend, if he had been a member of it, would have been equally convinced with himself of the good effects of the working of that department.

MR. ALDERMAN SALOMONS said, he should elicit the opinion of the Committee with regard to the sums proposed to be voted for chemicals and for printing. He begged to move that the Vote for photographing be reduced by £1,500.

MR. LOWE said, it would be in the recollection of the House that the hon. Member for Brighton stated that if inquiry were made into the conduct of the South Kensington Museum a scene of jobbery would be disclosed at which the public would stand aghast; and he added that the agents of that department and of the British Museum had been seen bidding against one another in public auction rooms amid the derision of the public. These charges had been very carefully inquired into by the Committee which had been appointed, and in their Report they said:—

"Your Committee have investigated a complaint often made against the South Kensington Museum and British Museum, to the effect that the officers of these institutions compete with each other at public sales. After examining Mr. Panizzi, the officers of the South Kensington Museum, and Mr. Webb, the agent who buys for both institutions, your Committee find not only that such competition has never occurred, but

that a concerted action has been always taken between both institutions, by the employment of one buyer for the two, to prevent any such competition. The report appears to have originated from the fact, as stated by Mr. Webb, that the British Museum and the Ordnance Department once completed for a suit of Greek armour, the British Museum being in entire ignorance that the Ordnance Department contemplated such a purchase for the Tower of London."

The hon. Member asked why he had not been put on the Committee. The reason was that, having preferred charges of such a nature, it was thought better that he should be at liberty, in case he thought proper, to act as public prosecutor. He was, however, requested to furnish any evidence which he might think desirable, and he accordingly sent two gentlemen, who preferred complaints which were investigated by the Committee, and by them declared to be groundless. It had never been the wish or intention of the department of the South Kensington Museum to enter into competition with any private trade. But photography was a new and very peculiar art, and all that the department had ever professed to do was to photograph in public exhibitions where it was not desirable that the private trade should go. In the first instance, it was necessary to consider—was it desirable that public exhibitions should be thrown open to any respectable photographer? The Committee were of opinion that it was not, because in this country it was requisite that photographs should be taken in the open air. The greatest care and delicacy had to be exhibited in removing the cartoons at Hampton Court, and where the collection, as in Kensington Museum, was of such considerable value it was not thought desirable to entrust it to every respectable tradesman who might come forward. They had next to consider whether they would empower a few select tradesmen to take photographs, but it was felt that there would be an outcry against the favouritism shown to a portion of the trade, and at the same time that these tradesmen, by mutual agreement, would be able to create a complete monopoly, and this plan was likewise felt to be objectionable. The next question was, would they have a single person, with exclusive privilege of photographing, and with liberty to sell to the public at whatever price he chose? They determined that they should not be justified in excluding all the trade except one favoured individual, and thus nothing remained except for the department itself to photograph the collection, giving the benefit to

Mr. Lowe

the public, and only charging cost price. It was true, as stated by the hon. Member for Brighton, that the Elgin marbles at the British Museum had been photographed; but he was at a loss to know whence the hon. Gentleman derived the information which he had given to the House that the trustees had in the first instance been prevented from granting the desired permission through the influence of the department at South Kensington. Her Royal Highness the Archduchess Marie of Russia had expressed a wish to obtain photographs of the marbles, and that these should be executed by Mr. Colnaghi, and in compliance with her request the Committee made a departure from their rules. But the feeling at the British Museum was decidedly against allowing private persons to photograph in that establishment, and in favour of the permission being restricted to official photographers.

Mr. DANBY SEYMOUR said, he wanted to know why the Government could not engage a person once for all to take the negatives of these pictures, and sell the photographs at cost price to the public, without incurring a charge of £2,000? He could not understand that any experienced professional photographer would do more injury to the objects than the photographer employed by the Government. At the Louvre such a permission was accorded without hesitation.

Sir JOHN SHELLEY observed, that it appeared from a note appended to the item that the public benefited by the arrangement, as the Kensington Museum sold their photographs at cost price, paying the proceeds into the Exchequer, and that the photography done by the department was exclusively limited to objects in foreign museums, the British Museum, &c., which could not be photographed by private agency.

Mr. EDWIN JAMES protested against the reason given by the right hon. Gentleman (Mr. Lowe) for excluding the hon. Member for Brighton (Mr. Coningham) from sitting on the Committee. It was usual to nominate any hon. Gentleman who showed a strong interest in any particular question, to inquire into which a Committee might be appointed, a Member of that Committee, and it was almost an insult to an hon. Member to tell him, that because he showed a disposition to take an active part in the inquiry that he had been treated as a prosecutor, but had been permitted to send his witnesses.

Motion made, and Question put,

"That the item of £1,500, for Photographic Apparatus, Chemicals, Labour, &c., be omitted from the proposed Vote."

The Committee *divided*:—Ayes 19; Noes 80: Majority 61.

Original Question again proposed.

MR. AYRTON said, he should propose to reduce the Vote by £20,000, his object being to put an end to this system of extravagance in the matter of science and art. The museum might be a very agreeable lounge for the people at the West-end of London, and no doubt afforded amusement to the servant maids, and perhaps in the evening to some of the working classes, who were counted in the number of visitors. But these were not the working classes connected with art for the promotion of which this institution was said to be established. If the institution was kept up for the west of London, the east, the north, and the south would have an equal title to similar institutions, which would occasion a charge of £80,000 for institutions of this kind for London alone, without taking into account Manchester, Birmingham, Liverpool, and other large towns which had equal claims. The museum was a toy and a plaything, and the effect of keeping it up was to starve the British Museum. He had no confidence in the Report of the Committee as constituted.

THE CHAIRMAN said, that according to the Standing Order, after a division had been taken on an item in a Vote, they could not move a reduction of the whole Vote.

MR. AYRTON then said, that he would put it in another form, and move to omit the first item in the Vote, on account of the Kensington Museum, viz., £3,515.

Motion made, and Question put,

"That the item of £3,515, for the South Kensington Museum, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 13; Noes 79: Majority 66.

Original Question put, and *agreed to*.

MR. DANBY SEYMOUR said, he wished to know how it came to pass that a charge for "navigation" was included in the Department of Science and Art.

MR. LOWE said, it was placed under the care of that department, as one of the useful sciences. He might mention, on a future occasion it was his intention, in

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pursuance of the Report of the Committee, to ask for a Vote for the proposed "new buildings" for the Kensington Museum.

MR. CONINGHAM said, he should object to the proposal, because he conceived the funds were not properly administered, and that the system was fraught with principles that were inconsistent with those of public policy.

MR. WYLD complained that, although there was a Vote of £6,000 for England, and £3,000 for Ireland, for the "geological survey," it was carried out most tardily, and by no means with a rapidity commensurate with the amount so voted.

Vote *agreed to*.

The following Votes were then *agreed to*:—

(21.) £631, Commissioners of Education, Ireland.

(22.) £4,820, University of London.

(23.) £7,630, Grant to Scottish Universities.

(24.) £1,771, Queen's University, Ireland.

(25.) £3,600 Queen's Colleges, Ireland.

MR. AYRTON asked how many persons had the benefit of this Vote, as it appeared that each degree cost a very large sum to the nation?

MR. CARDWELL said, the number of students in all the colleges in Ireland was steadily increasing.

Vote *agreed to*, as were also the following Votes,

(26.) £500, Royal Irish Academy.

(27.) £2,500, Belfast Theological Professors, &c.

(28.) £8,670, National Gallery.

MR. CONINGHAM moved to reduce the Vote by £6,000, the amount asked for the purchase of pictures. He had last year made certain charges against the keeper, and he was told that that gentleman's tenure of office was about to expire: but now it appeared that the Government had continued that gentleman in office for another five years. Then, again, he was told, when he objected to a sum of £10,000 for the purchase of pictures, that the Northwick collection was about to be sold; but the fact appeared now to be that only four pictures were bought, for £2,078, at that sale; two only—a Giulio Romano and a Masaccio—were valuable. He wanted to know what had become of the remainder of the £10,000. A purchase was made in Hanover of two pictures, ascribed to Jacob Ruysdael, one for £1,069, and the other for a larger sum. They were

both of a similar character, and one would have been sufficient for artistic purposes, besides which, one was admitted by the best judges to be spurious. There had also been a purchase of the Beaucousin collection, some of which there had been no attempt to hang. He also objected to the item of £650 for travelling expenses, and he was informed that Mr. Mundler, whose salary had been struck out by Parliament, was still employed, and that he was remunerated out of the amount voted for travelling expenses. He would also repeat his recommendation that the Royal Academy should find other quarters, which would give ample room for the national collection.

MR. SPOONER asked whether there was any balance remaining from the money voted last year for the purchase of pictures?

MR. LAING said, at the end of last year there was a balance of £5,000, and the Vote had therefore been reduced this year to £6,000.

MR. W. WILLIAMS said, he wanted to know whether the whole of the £15,985 last year had been expended?

MR. LAING said, he believed it had all been expended. The balance now remaining was a balance from former years.

THE CHANCELLOR OF THE EXCHEQUER said, he wished that it should not be inferred that he had concurred in the criticism pronounced last year upon Sir Charles Eastlake, because he had not made a defence for him. He merely said that this year there would be a better opportunity of discussing the question than there was afforded last year.

MR. AYRTON said, that before the Vote was taken they ought to have some assurance from the Government that the National Gallery would be appropriated to national purposes. The greater part of the National Gallery was now given up to the Royal Academy, and it should be made available for the reception of pictures. If the building were properly appropriated, there would be enough of room to receive all the pictures belonging to the nation.

VISCOUNT PALMERSTON said, he had always imagined that a National Gallery existed for the cultivation and improvement of art, and that this was a superior object to the gratification of looking at a number of pictures. Therefore a Royal Academy, which gave to students an opportunity of studying the works of the

great masters and afterwards of exhibiting their own works, was a national object, and no complaint could be made if such an opportunity were afforded to the Royal Academy. No doubt, it was desirable to accommodate the Royal Academy elsewhere, in order that the whole of the building might be devoted to pictures belonging to the country. The only plan was to give the Royal Academy a site in Burlington Gardens and to erect a large building there. That question was not decided upon, and a great deal might be said upon it. At all events, it would require a considerable time to erect such a building. It was, however, possible to increase the available space in Trafalgar Square so as to give room for holding any additional pictures that might be acquired for eight or ten years to come. The money would therefore be well laid out, because the building would be rendered more valuable when the Royal Academy was removed. The alterations proposed would not affect the exterior, they would only involve a small expense, and they would, above all, afford a decent place for the exhibition of works of sculpture. No one could enter the Royal Academy and see the way in which the works of the sculptors were exhibited without feeling ashamed that works of genius, such as were exhibited by the sculptors of this country, should be condemned to be huddled together in a small cellar. The alterations proposed would at least give a decent place where sculpture could be exhibited, so that these works of art could be properly seen.

LORD HENRY LENNOX said, he understood that the battle upon the tinkering proposed in the National Gallery was to be fought upon No. 7 of the Civil Service Estimates. In voting against the hon. Member for Brighton he should not therefore identify himself with the alterations.

MR. CONINGHAM observed that he had understood the noble Lord to say that the appointment of the director was made upon the recommendation of the trustees. He was informed that there were only two trustees in the habit of attending the meetings.

VISCOUNT PALMERSTON said, that the recommendation that the director should be reappointed was signed by all the trustees.

Vote agreed to.

The following Votes were then *agreed to* :—

Mr. Coningham

(29.) £4,790, Magnetic Observations Abroad.

(30.) £500, Royal Geographical Society.

(31.) £1,000, Royal Society (Public Objects).

House resumed.

Resolutions to be reported *To-morrow*.

Committee to sit again *To-morrow*.

NEW ZEALAND BILL.

SECOND READING.

Order for Second Reading read.

MR. CHICHESTER FORTESCUE having moved to postpone the order for the second reading of the Bill till Monday next,

SIR JOHN PAKINGTON (who had presented a petition from New Zealand against the Bill) implored the Government to consider the doubtful propriety of proceeding with the Bill at that advanced period of the Session. Without going into the merits of the measure, he might say that it proposed serious changes in the constitution of one of the most thriving and prosperous of our Colonies. He thought that the Bill itself was open to the gravest objections; but admitting for the sake of argument that it might be desirable to pass it, still the petition which he had presented showed that there were serious differences as regarded it, and for that reason he thought it ought not to be proceeded with at that period of the Session. Another objection to proceeding with it was that the Duke of Newcastle, the Colonial Secretary, was absent from England; and though his Grace had proposed the Bill in the House of Lords, who could tell that the petition which he (Sir John Pakington) had read might not have a great effect on him, since there was no man more ready to listen to fair representations than the Duke of Newcastle. The Bill was opposed to the views of the existing ministry and legislature of New Zealand, and was brought forward behind the backs of the people whom it concerned in the most interesting points. He earnestly hoped that the noble Lord would give full weight to the representations of a deputation of gentlemen interested in New Zealand, who, coming from all parts of England and even from Scotland, waited on the noble Lord yesterday to express their strong objections to the measure, and that the noble Lord would give them an assurance of his intention to withdraw it.

VISCOUNT PALMERSTON said, that he

thought he should be consulting the wishes of the right hon. Baronet when, in answer to his question, he stated the Bill would not be taken that night. On Monday those who had charge of it would state the arguments for proceeding with it, and it would be highly inconvenient to enter upon a discussion at 1 o'clock in the morning, when it was not proposed to read the Bill a second time to-night.

Second Reading *deferred till Monday next*.

PLEA ON INDICTMENTS BILL.

COMMITTEE.

Order for Committee read; Motion made and Question proposed "That Mr. Speaker do now leave the Chair."

MR. HENNESSY said, the object of the Bill was to alter the mode of pleading. A prisoner, instead of pleading guilty or not guilty, was, by this Bill, to state whether he would plead guilty, or that he wished to be put upon his trial.

SIR GEORGE LEWIS said, the Bill was intended to meet the case of a prisoner who had scruples of conscience to say that he was not guilty, but who wished to be put on his trial. His opinion was, that if a prisoner was of such a delicate conscience, the jury would understand that he was guilty. However, as the Bill had come down from the other House, and originated in the high authority of Lord Brougham, he was unwilling to reject it.

MR. EDWIN JAMES said, he thought this Bill ought not to be proceeded with. The criminal law ought not to be amended in this fragmentary manner. If a prisoner was to be asked whether he desired to be tried, his natural reply would be, no, he did not.

MR. MELLOR said, he also thought the Bill was of a fragmentary character, but he knew there were cases of difficulty which the Bill would meet.

MR. DENMAN said, there were prisoners who had consciences. He knew the case of a man charged with murder, who, he believed, would have been acquitted on the ground of insanity; but the man, who knew he had committed the act, could not be persuaded to say that he was not guilty, and he was executed. There were also cases of minor offences, where the chaplains of gaols persuaded prisoners that it was wicked to say not guilty if they felt it was untrue. The Bill had been fully discussed

in the other House, and he could not agree to give it up.

MR. LYGON moved that the Bill be committed that day *three months*.

Amendment proposed,

"To leave out from the word 'That,' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee'"

—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 19; Noes 37: Majority 18.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for three months.

FELONY AND MISDEMEANOUR BILL.

LORDS' AMENDMENTS.

MR. EDWIN JAMES objected to the Amendments introduced by the House of Lords, according to which the Judge was to determine whether from the number of witnesses, or from any other cause, the evidence required to be commented on. This, he thought, would be one of the most dangerous powers with which a Judge could be invested; and if agreed to by the House, the provision would be inoperative, for in a case of murder no Judge would dare to refuse the right of summing up to the prisoner's counsel. He therefore Moved that the Lords' Amendments be disagreed with.

THE SOLICITOR GENERAL said, he agreed with the hon. Member for Marylebone. So convinced was he of the impolicy, imprudence, and extreme mischief that must follow from the Amendments introduced by the Lords, that he would infinitely rather—at all events, for the present—that legislation on this subject should be delayed.

Amendments *disagreed to*.

Committee *appointed*, "to draw up Reasons to be assigned to the Lords for disagreeing to the said Amendments." MR. DENMAN, MR. SOLICITOR GENERAL, MR. EDWIN JAMES, and MR. MELLOR:—

To withdraw immediately. Three to be the Quorum.

House adjourned at a Quarter after Two o'clock.

Mr. Denman

HOUSE OF COMMONS,

Wednesday, August 15, 1860.

MINUTES.]—NEW WRITS ISSUED.—For Cumberland (Western Division) *v.* General Sir Henry Wyndham, deceased.

PUBLIC BILLS.—1° Local Government Act (1858) Amendment (No. 2).

2° Local Government Act (1858) Amendment (No. 2).

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee,

MR. MASSEY in the Chair.

(1.) £23,559, Works and Public Buildings.

MR. AYRTON inquired what was the amount of money spent by the Commissioners in the course of the year requiring supervision at the expense of £30,000?

MR. COWPER said, he believed that the expenses connected with this department were exceedingly economical for the amount of work which was done. With regard to the works in hand, he proposed to take a Vote of £80,000 for the purchase of land in Bridge Street, out of which the legal expenses would have to be defrayed, and £15,000 was to be spent upon the site of the new Foreign Office. Some notion of the work performed by the solicitor and his clerks might be formed from the fact, that during the last six months fifteen purchases had been completed; there had been ten sales, fourteen contracts, five prosecutions, and ten Bills in Parliament. There was spent in the last year £523 in counsels' fees. The solicitor was not only employed by his (Mr. Cowper's) department for this sum of money, but he likewise acted on behalf of the Woods and Forests in that portion of the business which related to forests. He considered it was a very small sum of money for the amount of work thrown upon the solicitor.

MR. W. WILLIAMS said, he thought the charge on account of the solicitor and his clerks to be extravagant.

MR. WHITE pointed out that the question of the hon. Member for the Tower Hamlets had not been answered. That question was, what was the aggregate amount of the expenditure, the supervision of which cost £30,000.

MR. COWPER replied, that that could be ascertained by referring to the items in the Estimates, stating the expenditure for

Public Buildings, Parks, Palaces, Probate Courts, Westminster Bridge approaches, and various other matters.

Vote agreed to, as were also

(2.) £20,783, Woods, Forests, and Land Revenues.

(3.) £19,191, Public Records.

(4.) £222,969, Poor Laws Administration.

MR. W. WILLIAMS observed, that there were 12 Inspectors, at salaries of £700 each, and with travelling expenses amounting to £8,172. He thought that the Poor Law Commission could now do very well without these Inspectors, and he suggested that it would be right to reduce the number by one-half, and also to reduce the travelling expenses by one-half.

MR. C. P. VILLIERS stated that, according to the Treasury Report presented to the House, the Inspectors were required to furnish accounts of their proceedings every week, and thus security was taken for the proper employment of their time, and against their absenting themselves from duty without notice to their superiors. Their duties were of a peculiar nature, requiring tact, discretion, and a certain amount of knowledge of the world. They were constantly applied to upon different points by the unions, and they were essential to the proper working of the Poor Law system. An inquiry into the whole matter, however, would take place in the next Session.

MR. EDWIN JAMES said, he should suppose that those officers must have the wordly knowledge to which the right hon. Gentleman referred, for with £8,000 a year for travelling expenses they might travel all over the world; but he objected to officers acquiring that wordly knowledge at such an expense to the public. However, as the whole subject was to be inquired into, it was hardly worth while to press at the present moment for a reduction of the Vote.

Vote agreed to.

The following Votes were also *agreed to* :—

(5.) £32,513, Mint.

(6.) £16,140, Factories, Mines, &c.

(7.) £6,234, Queen's and Lord Treasurer's Remembrancer, &c. (Scotland).

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £6,431, be granted to Her Majesty, to defray the Charge of Salaries for the Officers and Attendants of the House-

hold of the Lord Lieutenant of Ireland, to the 31st day of March, 1861."

MR. W. WILLIAMS complained of the enormous expenses of the household of the Lord Lieutenant in Ireland. He thought Ireland ought to be more proud of the Government of the Queen than of such sham royalty. If it produced the slightest benefit, credit, or honour to Ireland, he should not object, but it did not, in his opinion, produce either. He did not see the use of many of the officers whose salaries were included in the Vote. What was the use of a Master of the Horse? What were "Two Gentlemen at Large?" He thought the present efficient Chief Secretary for Ireland could perform all the duties required in connection with the office. He was surprised that hon. Gentlemen who represented Ireland did not feel themselves dishonoured by having any other Sovereign but the Queen.

MR. VANCE said, he thought the hon. Member's remarks would have been far more appropriate at the time the proposal for the abolition of the Lord Lieutenancy was being discussed. The House had decided upon retaining the office, and there must be some expense to maintain its dignity. The expenditure now was less than it had been.

MR. EDWIN JAMES said, it would be too bad, as his hon. Friend (Mr. Williams) suggested, to cast upon the Irish Secretary such duties as those of the "State porter of Dublin Castle," "sergeant of the riding-house," and "two singing men," more especially as by a Bill now before the House to sing a song in Ireland was declared, under certain circumstances, to be a misdemeanour, as being calculated to provoke ill-will and animosity, and was punishable with six months' imprisonment. Among the other items he noticed a "Cork Herald," who cost for salary £12 17s. 4d., and for clothing £18 9s. 2d.; an Athlone Pursuivant, a kettle-drummer, and three State trumpeters. What could be the reason for keeping up such miserable wretched nonsense? What the "two Gentlemen at Large" meant he could not tell. Perhaps they were two large gentlemen. Perhaps they were merely gentlemen let out of custody. Such items required explanation, but the maintenance of this ridiculous semblance of Royalty was in every way absurd.

MR. LONGFIELD said, "the Gentlemen in Waiting" only cost £184 12s. 8d. This was a very small amount when they re-

membered how many hundreds of thousands were spent in satisfying gentlemen "in waiting" in this country. He always observed that the desire for economy was strongest in the case of any Irish expenditure.

MR. W. WILLIAMS said, he would propose the reduction of the Vote by £1,574 6s. 2d., being the amount given for fifteen Queen's plates to be run for in Ireland. He did not think the House ought to vote money for the encouragement of horse-racing.

Motion made and Question proposed,

"That the item of £1,574 6s. 2d., for fifteen Queen's Plates to be run for in Ireland, be omitted from the proposed Vote."

CAPTAIN STACPOOLE supported the item, believing that these plates tended greatly to improve the breed of horses.

MR. CARDWELL observed that as money was voted for Queen's plates in England and Scotland it would be hardly fair to strike out this item.

MR. ALDERMAN SIDNEY remarked, that as gentlemen who bred horses did so for their own profit Parliament could not be called on legitimately to assist them.

Motion, by leave, *withdrawn*.

MR. VINCENT SCULLY said, that in England people put their hands into the public till much more than in Ireland, not that the Irish had not the will to do the same—they only wanted the power to do so. Many of the items referred to were certainly supremely ridiculous, and could only be justified by their antiquity. The "Cork Herald," for example, was not connected with the county of that name, and his duties therefore must consist in cork-drawing. He complained that the Irish Secretary was a mere automaton in the hands of the compact family party in Dublin Castle, and that the Irish Members had no influence with him at all. It was not to be expected, however, that Irish Members should vote against the Vice-Royalty, they might as well be expected to vote against the Galway contract. The subject must be brought forward by the English Members, but in taking away the Vice-Royalty they must not fail to give to Ireland a substantial *quid pro quo*.

MR. CARDWELL said, the Committee would be glad to hear that the "Cork Herald," and other kindred officials, were already doomed, and Parliament was only now called on to provide for vested interests.

Mr. Longfield

Original Question put, and *agreed to*.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £16,084, be granted to Her Majesty, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, to the 31st day of March, 1861."

SIR WILLIAM JOLLIFFE called attention to the case of the salary of the Under Secretary, who, as a military officer, was mulcted of his half-pay while he held office. This principle ran through all public offices, and his right hon. Friend the Member for Huntingdon (General Peel) had his half-pay stopped from the moment he took office till he resigned it again. He thought that was a most shabby arrangement, and he hoped the Government would put an end to it.

MR. CARDWELL said, the Vote was the same as last year. The case of half-pay officers had better be considered as to its general principle rather than in the particular case of the Under Secretary.

MR. W. WILLIAMS called attention to the fact that 350 tons of coal were used in the Chief Secretary's office and 300 tons in the Under Secretary's. This expenditure he thought was most extravagant, and he proposed to reduce these Votes to the extent of £600, which would give each of the offices about 60 tons a year each.

Motion made, and Question,

"That the item of £425, for allowance for Fuel to the Chief Secretary to the Lord Lieutenant of Ireland, be reduced by the amount of £300."

Put, and *negatived*.

Original Question again proposed,

Whereupon Motion made, and Question,

"That the item of £2,488 5s., for the Salaries and Allowances, &c., to the Under Secretary to the Lord Lieutenant of Ireland, be reduced by the amount of £300"

Put, and *negatived*.

Original Question put, and *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £5,004, be granted to Her Majesty, to complete the sum necessary to defray the Charge of the Department of the Paymaster of Civil Services in Ireland, to the 31st day of March, 1861."

MR. CARDWELL explained that the items included the maintenance of two public establishments in the Phoenix Park, and that the arrangement, which had some time ago been effected, was considered an economical one. Moreover, the whole ex-

penditure was about to be revised next year. Under these circumstances he doubted if it were wise to go into the question at that time.

COLONEL FRENCH reminded the House that the expense of the Chief Secretary's office had been reduced from £5,500 to £4,000. He hoped the Committee would not grudge Ireland taking this money, as they had no other means of giving their English Secretary a warm reception.

MR. VANCE required some information respecting the office and the duties.

MR. CARDWELL said, the subject was under the consideration of the Treasury, and he believed it was not intended to fill up the vacancy which existed, but no fixed arrangement had yet been made.

COLONEL FRENCH said, he could not understand why the office had ever been created, except for the purpose of patronage.

MR. ROEBUCK observed, that it would quicken the movement of the Government in coming to a decision if the Committee would resolve that there should be no pay for the office. He did not care to trust any Government with money at discretion; for money voted was money gone.

MR. CARDWELL said, he had been in communication with the Chancellor of the Exchequer, whose view tended towards the extinction of the office, a view in which he (Mr. Cardwell) was disposed to concur; but it was a proper question for the Treasury to consider whether the necessary duties could be discharged without such an office.

MR. VINCENT SCULLY moved that the Vote of £1,000 for this officer be postponed for this year.

MR. LAING observed, that it would not be wise to postpone the Vote, as, though the Government meditated its abolition, it was connected with the larger question of the Audit Office in Ireland.

SIR GEORGE LEWIS said, the Vote could not be postponed. The only course was to reduce the Vote by this item altogether. He could promise, on the part of the Chancellor of the Exchequer, that he would not appoint to the office merely because the salary was voted, but the Government had no objection to give up the Vote.

Whereupon Motion made, and Question, "That the item of £1,000, for the Paymaster of Civil Services in Ireland, be omitted from the proposed Vote."

Put, and agreed to.

(10.) *Resolved,*

"That a sum not exceeding £4,004, be granted to Her Majesty, to complete the sum necessary to defray the Charge of the Department of the Paymaster of Civil Services in Ireland, to the 31st day of March, 1861."

The following Votes were then agreed to:—

(11.) £2,021, Lunatic Asylums (Ireland).

(12.) £18,661, Board of Public Works (Ireland).

(13.) £33,118, Audit Office.

(14.) £17, , Copyhold Inclosure and Tithe Commission.

MR. W. WILLIAMS wished to know when this Commission was likely to terminate. The Tithe Commission was promised to be abolished long ago; and as for Inclosure Commissioners, their services ought to be paid by those who employed them.

SIR GEORGE LEWIS said, the Tithe Commission had been merged some time since in the Inclosure Commission, which was very useful to the public in obtaining the inclosure of waste lands without expense.

MR. W. WILLIAMS said, he could not see why three Commissioners were required, a resident Assistant Commissioner having been added since last year.

MR. LAING said, although an Assistant Commissioner had been added, the office of Board Clerk had been abolished.

Vote agreed to, as were also the following Votes:—

(15.) £12,790, Copyhold Inclosure and Tithe Commission (Expenses under Inclosure Drainage Acts).

(16.) £36,400, General Register Office.

(17.) £3,301, General Register Office (Dublin).

(18.) £5,812, Registrar General of Births, &c. (Scotland).

(19.) £10,652, National Debt Office.

MR. DARBY GRIFFITH said, he wished for some explanation of the advantages of this Department.

MR. VANCE said, he wanted to know what were the "contingencies," for which £600 was asked.

MR. RIDLEY observed that in another part of the Estimates £1,000 was taken for rent of offices for the National Debt Department. That was an item of cost, and therefore the Vote now before the Committee did not really show the whole expense of that office.

MR. LAING said, a Committee would probably be appointed next year to inquire

into the Miscellaneous Expenditure, and the point referred to by the hon. Member would, doubtless, engage their attention. In the meantime, it had not been thought advisable to make any change in the form of the Estimates.

SIR GEORGE LEWIS said, that he did not perceive any impropriety in the present arrangement of the Vote. Why should rent paid for one office be reckoned as an item of expense, when other offices which paid no rent were not debited with that item?

MR. W. WILLIAMS observed that there was reason to complain of the present arrangements, for there was not a single public officer whose total expense was included in one Vote.

MR. AYRTON referred to items charged upon the Consolidated Fund which were not brought under the consideration of the Committee, and thought greater opportunity should be afforded to Parliament for ascertaining the total cost of each particular officer.

Vote agreed to, as were also the following Votes:—

(20.) £2,100, Public Works Loan Commissioners.

(21.) £920, West India Islands Relief Commissioners.

(22.) £6,166, Commissioners in Lunacy.

MR. NORRIS drew attention to the item for travelling expenses in Scotland, £1,500, which appeared to him to be an extremely large amount.

SIR GEORGE LEWIS explained that there were two Commissioners and two Deputy Commissioners in Scotland, and that their most important duty consisted in visiting different asylums spread throughout the country.

COLONEL DUNNE observed that the allowance for travelling expenses in Ireland was only £480.

MR. W. WILLIAMS referred to a Vote in the Estimates which stated that £12,783 for the salaries and the other expenses of the Lunacy Commission in England was charged upon the Consolidated Fund, and observed that he thought that was an instance of the evil to which the hon. Member for Newcastle (Mr. Ridley) had called attention.

Vote agreed to, as were also the following Votes:—

(23.) £923, Superintendent of County Roads (South Wales).

(24.) £1,653, Registrars of Friendly Societies.

Mr. Laing

(25.) £24,000, Secret Services.

(26.) £255,285, Stationery, Printing, and Binding.

(27.) £128,628 Postage (Public Service.)

SIR GEORGE BOWYER inquired whether the money voted went immediately to the Post Office, or whether it was paid to the various departments to reimburse them for outlay previously made on account of postage? He would take that opportunity of asking when it was intended to fill up the office of Postmaster-General, and when the report of the Post Office Commissioners would be laid before Parliament? About a month ago he had asked similar questions, and the noble Lord at the head of the Government said it was intended to fill up the office of Postmaster-General, but that the Report of the Commissioners could not be presented until such appointment had been made. Neither event had occurred.

THE CHAIRMAN reminded the hon. Baronet that the Vote before the Committee was for postages, and not the filling up of the vacant office of Postmaster-General.

SIR GEORGE BOWYER said, he objected to vote the money until he knew something about the Postmaster-General, and he should divide the Committee unless he received a satisfactory answer. He did not wish to make insinuations nor to place too much reliance upon public rumour, but it was generally stated that the office of Postmaster-General was not to be filled up until after the prorogation of Parliament, and that the object of such delay was—to use a vulgar but expressive phrase—to “job” it. That suspicion might or might not be true, but he thought the Committee was entitled to ask for some information from the Government as to their intentions, and thus afford hon. Members an opportunity of expressing their opinion of the fitness of the person appointed to the office. Then, as to the Report of the Commissioners, he had been told that that Report was satisfactory, that a redress of grievances was recommended, and that the disastrous position of the Post Office had been usefully considered. Hon. Gentlemen were not probably aware that for some time the General Post Office had been almost in a state of insurrection on account of the grievances of the men, who were kept at work for fourteen or sixteen hours without intermission, and who consequently were unable from over-fatigue satisfactorily to discharge the duties re-

quired of them, to the injury of the public service. The object of the Post Office authorities seemed to be to regard the transmission of correspondence solely as a source of revenue, and, therefore, to increase the profits derivable from that source, they diminished the amount of working force and reduced the salaries of those whom they employed. Nothing could remedy such a state of things but the appointment of a really efficient Postmaster General, and in his opinion the office should be a permanent one. When a new Administration was formed it was usual to appoint some person of high rank to this office whom the Prime Minister did not know what to do with. The consequence was the prevalence of those evils to which he had referred. He would next Session move the appointment of a Committee to inquire into the whole subject of the Post Office; but in the meantime it was of importance that Parliament should have before it the Report of the Commissioners. If that Report were not laid before the House at an early day he would certainly make its production the subject of a distinct Motion. He wished to know whether it was the intention of the Government to fill up the office of Postmaster General, and, if so, when; and also when it was intended to lay the Report of the Commissioners on the table of the House?

MR. ROEBUCK said, it had been stated in "another place" that the office of Postmaster General was filled by the Duke of Argyll, who also held the office of Lord Privy Seal, but that he would not hold the two offices long. He wished to know whether it was the office of Postmaster General that was to be filled up, or that of Lord Privy Seal?

SIR GEORGE LEWIS said, the noble Lord at the head of the Government, as he understood from him after the debate that took place yesterday morning, intended to lose no time in filling up the office of Postmaster General. The Report of the Commission on the Post Office was under the consideration of the Duke of Argyll, who was now discharging temporarily the duties of the Post Office, and he hoped to be able to lay that Report, with the decision of the Government upon it, on the table of both Houses of Parliament before the end of the Session.

COLONEL DUNNE complained that no account of the Post Office receipts and expenditure for Ireland was included in the Returns laid on the table.

MR. HENNESSY observed, that certain Returns connected with the Irish Post Offices which were laid on the table in July, had not been printed.

MR. LAING promised to make inquiries on the subject.

SIR GEORGE BOWYER said, he wished a more specific answer to one of his questions. The Secretary for the Home Department said the Duke of Argyll hoped to be able to lay the Commissioners' Report on the table before Parliament was prorogued. What did he mean by "hoped?" The Report had been in the hands of the Government for a month, and why should it not be laid before Parliament immediately?

SIR GEORGE LEWIS protested against the irregularity of this discussion on a mere formal Vote for a department of the Post Office. The answer he had given he would repeat. The Duke of Argyll had the Report under his consideration, and he hoped to be able to lay it on the table, together with the decision of the Government upon it—that decision not having been finally given—before the end of the Session.

Vote agreed to; as also was

(28.) £24,245, Law Charges.

(29.) £100,000, Prosecutions at Assizes and Quarter Sessions.

MR. CHILDERS asked the Home Secretary whether he had come to any conclusion as to the removal of the assizes for the West Riding of Yorkshire?

SIR GEORGE LEWIS said, it did not appear that there was any general desire on the part of the West Riding that any change should be made; nor did it appear that it would be attended with any signal advantage. Under these circumstances, he had not come to any decision differing from the recommendation of the last Commission which investigated the subject.

MR. CHILDERS said, he was glad to hear that statement of the right hon. Gentleman. He (Mr. Childers) believed the majority of the people of the West Riding were strongly in favour of the maintenance of holding the assizes as at present.

MR. EDWIN JAMES called the attention of the Committee to the state of the Courts of Justice at Guildford. The condition of those courts was a positive disgrace to the administration of justice. One of them he could hardly call a court; it was a mere passage, at one end of which sat the Judge; it was open to the street, and from the noise it was next to impossi-

ble to hear either the Judge, the witnesses, or the counsel. The unfortunate scene that occurred in that court the other day, and on which he would express no opinion whatever, was closely connected with the condition of the building. The other court in which the Chief Justice sat he hardly knew how to describe. It was utterly unfit for a court of justice, and was exposed to constant draughts of air from all sides. He must say he could not help being surprised at the excellent health of the hon. Member for West Surrey (Mr. Briscoe), considering that he was doomed to sit as a magistrate in one of these courts. He really hoped the matter would receive the serious attention of the Government, as it was one intimately connected with the right administration of justice.

MR. ALDERMAN SALOMONS said, he presumed it was in the power of the Crown to decide in what town the assizes should be held. Now it so happened that there were good courts in Kingston and in Croydon, and he thought the Surrey assizes might with advantage be removed from Guildford to one of those towns until proper accommodation was afforded in the former place.

SIR GEORGE LEWIS said, the duty of providing proper buildings for the administration of justice during the assizes belonged to the county magistrates who administered the county rate, and no power resided in the Crown for that purpose. He did not remember to have received any memorial with respect to the courts at Guildford, but if a memorial were presented to him he would take care that it received due attention. All he could do, however, would be to represent the state of matters to the county magistrates. With reference to what had recently taken place at Guildford he would say that, however much he might lament any collision between the Sheriff of the county and the Judges holding the assizes, yet, so far as his information extended, he had no reason to doubt that Her Majesty's Judges had exercised a proper discretion in the matter.

COLONEL FRENCH said, he hoped the Committee would receive some information as to the power of the Judges, as it appeared to him that the blame was not altogether to be imputed to the High Sheriff. Was there ever, before the recent scene at Guildford, such an occurrence in a court of justice as a Judge committing an assault on a High Sheriff? It appeared, too, that one of the Judges at Guildford had ordered

a portion of the court to be cleared. The High Sheriff declared he had no power to do so, and he believed no lawyer would go the length of saying that he had. He thought some intimation should be given to the Judges to conduct themselves with more propriety.

SIR GEORGE LEWIS observed that it was exceedingly inconvenient on a mere Vote in Supply to enter into a debate on the events which had recently taken place at Guildford. He had expressed an opinion on the subject solely in consequence of what had fallen from the hon. and learned Member for Marylebone; and if any hon. Gentleman in the House thought it desirable to make a specific Motion on the subject he would be prepared to support with facts and reasons the opinion he had given.

MR. EDWIN JAMES remarked that he had cautiously abstained from giving an opinion with reference to the recent occurrences at Guildford, and had merely alluded to the subject as being intimately connected with the unsatisfactory state of the courts there. As reference had been made to the Judges, he wished to state that the Lord Chief Justice was not sitting in the court in which the occurrences referred to occurred, and he only interposed when reference was made to him. No one who knew the Lord Chief Justice would for a moment suppose that he could be wanting in courtesy to any person, whether official or otherwise, who might approach him. His belief was that in a proper court such a scene as had lately taken place would never have occurred.

MR. DARBY GRIFFITH expressed his belief that the High Sheriffs ought to be relieved from the expenses and the inconvenience to which they were still subjected.

MR. SPOONER remarked that witnesses in criminal prosecutions ought to receive more liberal allowances than those which were at present granted to them. The existing arrangement upon that subject seriously interfered with the administration of justice.

SIR GEORGE LEWIS said, that his attention had been a good deal called to that matter, but he had not been able to devise any general revision of the fees to witnesses.

MR. BRADY said, he thought that the real remedy in that case was to place prosecutions under the management of a public prosecutor.

Mr. Edwin James

MR. HENLEY observed that he wished to say a word on the subject, because it was at present in a most unsatisfactory condition. The Judge or Chairman of Quarter Sessions made an order for payment of expenses, and the treasurer of the county had to pay them, when there was no certainty as to what portion would be reimbursed, the Treasury reserving to themselves the power of cutting down the expenses in a most arbitrary manner. All parties were placed in a most difficult position, and the result was the impeding of justice. They would find by-and-bye that the counties would not pay the money if it was not to be allowed afterwards.

Vote agreed to; as were also the following Votes:—

(30.) £223,475, Police in Counties and Boroughs, &c.

(31.) £1,220, Crown Office, Queen's Bench.

(32.) £7,675, Admiralty Court (Dublin).

MR. W. WILLIAMS complained of the high charge for the salaries of officers in the Admiralty Court.

SIR GEORGE LEWIS said, that there was a set-off of £6,000 received from the Admiralty Court in the shape of stamps.

Vote agreed to.

(33.) £5,976, Insolvent Debtors' Court.

MR. VANCE asked if, supposing any vacancies occurred in the Bankruptcy or Insolvent Commissioners, the offices would be filled up?

SIR GEORGE LEWIS replied, that if they were it would be on the understanding that the appointment would be temporary, and that compensation would not be allowed.

Vote agreed to.

(34.) £26,280, Court of Probate and Divorce.

MR. AYRTON said, the reform of the ecclesiastical courts had been rather costly to the country. There was for this court, including compensations, a total charge of £188,000; and, deducting from this £62,000 received from fees, there was a deficiency against the court of £126,000 a year. When the Act passed the clear understanding was—and it was so provided for in the Act—that those receiving compensation should be appointed to new offices as they occurred. Now, a great many district registrars had been appointed, some of them with emoluments of £2,000 and £2,600 a year, and persons receiving compensation ought to have been put into these places. Many of those

gentlemen were persons of good business habits, and well able to discharge any duties that might be required of them, but instead of them, except in a few instances, persons who had been in the army or who had not been brought up to any habits of business were put into the new or vacant offices. They were bound to employ those men who were receiving large sums in the way of compensation, but the connections of the Ministry and others were in most cases preferred before them. He complained of this as a breach of the statute, and of the full understanding come to when the Divorce Court was established.

SIR GEORGE LEWIS said, he was not ashamed of having taken part in the reform of the ecclesiastical courts. A great public benefit was thus conferred upon the country; but it was, nevertheless, true that the advantage was produced at a heavy price. Large compensation was given, but it was done deliberately by the House. The amount originally proposed by the Government was considerably augmented, and a very large proportion of the whole, namely, compensation to the proctors, was absolutely forced on the Government by the pressure of the House. He had no knowledge of the appointment of the district registrars to which the hon. Gentleman referred, as they were not appointed by the Government, but by the Judge of the court. Therefore no blame attached to Government for these appointments. This was the first time he had heard that the Government were bound to employ persons receiving compensation in new offices, and he was not aware that there was any clause in the Act which required those persons to surrender their compensation in the event of their being appointed to offices under the Crown. It was unusual, at all events, for persons in the position of proctors to surrender their superannuation allowances on appointment to offices of another kind, nor did he think that many of these persons were suited to general employment under the Crown.

MR. AYRTON said, that the right hon. Gentleman (Sir James Graham), foreseeing the necessity for reforms in the Court of Probate, obtained an Act to be passed twenty years ago, declaring that all persons appointed subsequently to the passing of that Act should hold their offices subject to any change that might be made, and should not be entitled to any compensation. The Government of the day, however, rescinded that Act, and granted com-

pensation, and, having been guilty of that gross extravagance, it was not possible to resist the claims of other persons. The Government were, therefore, greatly to blame for having drawn the House into this extravagance. The Probate Act in the following clause expressly stipulated that persons receiving compensation should be liable to fill offices, &c. :—

"That every person to whom any compensation shall be granted under this Act shall at all times, when called upon, be liable to fill any public office or situation in England under the Crown for which his previous services in any office abolished by this Act may render him eligible."

[SIR GEORGE LEWIS: That clause does not apply to proctors.] He held that a proctor was an officer of the court, and came as such within the provision of the Act. The clause went on to say—

"And that if he shall decline when called upon so to do to take upon himself such office or situation, and execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to any compensation or allowances which may have been granted to him in respect of such previous services."

It was the duty of the Government when offices in the court were vacant, to exert themselves to get those persons appointed, so that the burden of compensation might be diminished.

MR. MELLOR said, he distinctly remembered that these compensations were forced upon the Government. The greatest efforts were made by the parties to obtain compensation, and it was hopeless for the Government to expect to pass the Bill unless they had consented to the insertion of these clauses. He held that the House had gone to riot in granting extravagant compensations under Bills of law reform. One of the most monstrous things he ever knew was the compensation granted to clerks of the peace upon some change being made in the administration of justice. Other demands followed, because the parties could show they had a better claim than the clerks of the peace. The House really bought legal reform at a price that made it scarcely worth having, in consequence of the scale on which compensation was granted.

MR. MALINS said, he must deny that the compensation clauses were forced on the House. It was simply an act of justice, and if the Bill were before them again, he would endeavour to obtain compensation for the proctors. The Government themselves introduced clauses to that effect in the previous Bills, and he was at a loss

to know why they were omitted in the Bill that was last introduced. Those clauses were passed without a division, which showed that it was the general opinion of the House that the proctors ought to be compensated. He denied that the compensation was exorbitant, none of the proctors having more than half the amount of his income for the average of the preceding six years. At the same time he believed that the Bill did not work at all well, or even cheaper than the old courts, and the money it had cost was entirely thrown away; for he had never heard any one, either in the profession or out of it, state that it had been productive of more benefit than could have been produced by reforming the Ecclesiastical Courts.

MR. BRADY said, he thought the compensation of proctors was unjustifiable altogether, because it was a professional and not an official occupation. The passing of the Bill as it stood proved only that the House was overruled by lawyers.

MR. MALINS said, that it would have been much better if the hon. Member had divided the House at the time.

MR. EDWIN JAMES said, he thought that an enormous and flagitious sum had been awarded for compensation under the Act. Out of the vast sums awarded for compensation a large and elegant statue ought to have been erected to the hon. and learned Member for Wallingford by the parties to whom the compensation was awarded. He begged to assure the hon. Member (Mr. Brady) that lawyers were as sincere legal reformers as any hon. Gentleman in that House who represented physic or anything else. He could not understand how compensation clauses could be forced upon any Government, and, therefore, the Government must take its share of the responsibility of having conceded these claims. No doubt, a great deal of external pressure was brought to bear upon hon. Members and upon the Government. He was not then a Member of the House, but he remembered seeing his hon. and learned Friend surrounded in the lobby by proctors, doctors of law, and registrars, like a sugar cask in summer with the flies round it. The Probate Court had got into the hands of the Harcourts, the Jenners, and the Fusts, and there were indeed so many advocates of the same family that a *jeu de mot* was current—"Fust come Fust served." He felt certain that if a suggestion was made to the learned Judge who presided in the Court of Pro-

bate he would appoint to vacant offices in the court those who were receiving compensation, whereby the amount now payable might be reduced.

MR. HADFIELD said, that the result of the Bill had been to saddle the persons administering to wills, &c., with heavy fees, because the compensation was not paid out of the Consolidated Fund, but out of the fees of suitors. It was understood at the time of the passing of the Bill that the fees of registrars would be ascertained and their salaries revized. There was scarcely one of those offices of which the salaries ought not to be reduced. The salary of the Registrar of Wakefield, for instance, amounted to nearly £4,000 a year, or about as much as that of the Judge of the Probate Court. In the case of the late Registrar of Chester the compensation was so large, £3,300, that the Registrar wrote to the Bishop of Chester, stating that it was actually more than he should have voted to himself, and he therefore, felt bound to devote one-third of it, £1,100, to the relief of the spiritual wants of the diocese. He thought that many of those gentlemen who had been pensioned might render efficient service to the public in other positions. He wished to know whether the sums now charged for probates and administrations were to be continued, or whether they were to be reduced. Seeing that probate administrations yielded more than £3,000,000 annually, he thought the public had a right to protest against excessive compensation.

MR. MALINS said, he believed there was a general understanding that the offices of Registrars, sub-registrars, &c., in the Court of Probate were to be filled by those whose offices were abolished. He had no connection with the gentlemen alluded to by the hon. and learned Member (Mr. E. James), except as a Member of Parliament. He had no personal knowledge of them, and had no visiting acquaintance with any proctor compensated or not compensated. He believed that the great bulk of them would be glad to exchange their compensation for more active employment.

MR. HENNESSY said, there was a Bill before Parliament providing for the maintenance of an officer styled Her Majesty's Proctor, whose office would be to fee counsel,—he wished to know whether the salary of that officer was to be derived from fees?

SIR GEORGE LEWIS said, he would answer that question when the Bill came under discussion.

MR. LAING stated, that it was intended to place the district registrars upon salaries, and to collect the fees. The appointment of the registrars, district registrars, and other officers of the court was by the Act vested in the Judge of the Probate Court.

MR. AYRTON remarked, that if the Judge did not appoint persons now receiving compensation when vacancies occurred the Act ought to be amended.

Vote agreed to.

(35.) £145,275, County Courts.

MR. EDWIN JAMES wished to know how the item of £50,000 for rents of court-houses and offices arose. There was also a further item of £42,000, for building and repairing court-houses, which made a total of £92,000 for the buildings in which the County Court Judges sat.

MR. LAING said, that whenever the town or county hall was fit for the purpose the County Court was held there, and that the Treasury kept a very tight hand on the expenditure incurred in providing accommodation for these courts.

MR. HENLEY said, he wished to know who were the official personages who were responsible for the building works being properly executed.

MR. W. WILLIAMS said, he was anxious to be informed what was the whole amount of the cost of these courts paid out of the public money, and also what was the amount paid through them into the Exchequer.

MR. CLIVE said, that since the fees in the County Court had, as he thought, been unwisely reduced, they had proved insufficient to provide the requisite courts, and the country had to pay the difference. Even where town halls had been found applicable for the purposes of these courts, many changes for better accommodation were found necessary. These questions were brought under the supervision of the Home Department, which acted upon the recommendations of their surveyors.

MR. AYRTON observed that, after giving credit for all the fees, the County Courts cost the country no less than £287,500. A most objectionable practice had sprung from the system. Hawkers went about the country enticing the poorer classes to buy goods on credit, and then by means of the County Courts got their debts collected almost at the

public expense, the unfortunate debtors being subjected, when they could not pay, to an imprisonment which partook of a penal character. He hoped the hon. Gentleman the Secretary to the Treasury would consider the subject with the view of seeing whether a practice so hurtful to the working classes could not be checked by limiting the facilities for the recovery of debts which these Courts offered to hawkers.

COLONEL FRENCH said, the system required a careful reconsideration of the Government. The Assistant Barristers' Courts in Ireland had worked very well, but the annual outlay upon them was only £20,000 a year, while the barristers had to deal with questions involving not only common law and equity, but also bankruptcy. He did not see why it was requisite to incur such a large expenditure for treasurers, nor could he see the necessity for such an office.

MR. W. WILLIAMS said, what he wanted to know was the total cost of the courts, and the amount returned in the shape of fees,

MR. LAING observed that the whole expense incurred for the County-court system amounted to £418,000, of which £218,000 came back in fees.

Vote agreed to; as was also

(36.) £15,437, Police Courts.

(37.) £106,860, Metropolitan Police.

SIR GEORGE BOWYER said, he wished to draw attention to the fact that, while by the statute the salary of the Chief Commissioner of Police was fixed at a *maximum* of £1,500, that officer received over and above that sum £300 a year for house-rent, and £63 for a horse. He also wished to observe that he had received information of a great many abuses which prevailed in the Metropolitan Police force, and, unless some Metropolitan Member next Session took up the subject, and moved for a Committee of Inquiry, he would certainly do so. The returns which had been furnished at his request in regard to several complaints that had reached his ears were, he believed, defective and inaccurate. One of the chief complaints which had been made to him was that persons were promoted to be inspectors and superintendents, without undergoing any examination whatever, who were unfit for such situations. No doubt, there were among these officers many men of great capacity; and, as a body, the force stood high in point of respectability and

Mr. Ayrton

efficiency. But he believed that men were frequently appointed, through mere favouritism, to high offices who were not qualified to hold them. He thought that no one should be appointed to an office of such responsibility as inspector or superintendent without undergoing a thorough examination. The recent investigation with regard to the Road murder afforded striking proof of the unfitness of some of the present officers. An inspector named Whicher was sent down to inquire into the matter. Upon the slightest possible grounds, merely because one of her night-gowns happened to be missing, that officer arrested a young lady who lived in the house where the murder was committed, and assured the magistrates that he would be prepared in a few days to produce evidence which would bring home the murder to her.

SIR GEORGE LEWIS said, he would put it to the Committee whether they thought it desirable that on a Vote of this nature remarks should be made on the conduct, in a case of a very delicate kind under investigation, of an officer of the London police who was sent down at the request of the local authorities. It was equally difficult for him to remain silent, when such remarks were made, and to give a full explanation of the circumstances. He had, of course, been apprized of all the facts relating to the case, but did not think he should be justified in disclosing them to the Committee. He would only put it to the hon. Baronet whether he thought it consistent with the ordinary course pursued in the House to follow up the line of remark he had adopted.

SIR GEORGE BOWYER said, he had no intention of making any specific statement as to this particular case. He believed the constitutional course was that the statement of grievances of this kind should be made on voting Supplies. He thought he had a right to refer to what took place at a public investigation as a proof of the incapacity of some of the officers of police. He held that the inspector in question had acted in a most objectionable manner. After all his boasting of the evidence he could produce, the young lady was discharged by the magistrates, and he believed there was not the slightest doubt that she was innocent of the charge. He would not go into the matter further. He referred to the case merely as an illustration of the import-

ance of appointing men of undoubted fitness to situations which gave them power over the liberty and even over the lives of their fellow-subjects.

LORD FERMOY said, if he had come to the same conclusion as the hon. Baronet as to the mode in which men were selected for promotion in the Metropolitan Police, he would be ready to bring the matter before Parliament next Session. He did not think that an examination system would lead to any improvement. A man might be very skilful in checking crime and catching thieves, and yet but a poor hand at writing a letter. The choice of men for promotion must be left to those who were at the head of the force, and who had the best means of coming to a proper decision. If it could be shown that men were passed over because they belonged to a particular nation or a particular religion, then there would be a very good case for inquiry. He had received communications on the subject as well as his hon. Friend, but had not been convinced that men were neglected either because they were Irishmen or Roman Catholics. He saw no reason for withholding his confidence in the gentleman who now commanded the Metropolitan Police. As far as he could see, it was well managed. He thought the privates in that force, as well as in the Irish constabulary, were very badly paid. In both cases they were a very excellent body of men; but prices had risen since the rate of their salaries was fixed, and therefore they were now underpaid. That was a point the Government should look to, as they ought to be placed above those temptations to which they were necessarily subject.

MR. ALDERMAN SALOMONS said, he could bear testimony, from his knowledge of the Metropolitan Police, to the respectability, efficiency, and courage of the force in the discharge of their very difficult and dangerous functions. They were certainly somewhat underpaid. No one could be better fitted for his office than the present First Commissioner, who upon all occasions discharged his duties with energy, discretion, and success.

SIR GEORGE BOWYER explained that he did not make a general attack on the police. On the contrary, he owned they were a very efficient and respectable body of men. He thought there were abuses in the system, and the insufficiency of the pay was one of these. As a whole, also, the force was badly officered.

SIR GEORGE LEWIS said, that those who remembered the very strong prejudice which prevailed against the Metropolitan Police when first established, in 1829, and who were aware of the feeling which now existed, not merely among the higher ranks of society, but generally among all classes in the Metropolis, must admit that, on the whole, the force had discharged its duty with remarkable success. He maintained that Commissioners, officers, and privates were a remarkably efficient and respectable body of men. Whereas on the Continent the name of the police was justly odious in the eyes of the people, everybody in the Metropolis—and he believed it was the same in regard to the county police—looked to the policeman for protection, assistance, and even advice on occasion. Of course, nothing in this world was perfect, and the police formed no exception to the rule. But it was not good service to render to the public to seek to throw general discredit on the Metropolitan Police, which was the effect, if not the object—[Sir GEORGE BOWYER: Not the object.]—of the hon. Baronet's remarks. One of the abuses of the force, the hon. Baronet said, was their insufficient pay. He would not say that they were underpaid, but he would certainly say that they were not overpaid. It was quite a new idea, however, that it was an abuse in a body of men that they were underpaid, and it was one which the police themselves would, no doubt, be very glad to see removed. As far as his own knowledge and experience went, the assertion of the hon. Baronet that the officers of the force were generally unfit for their situations was wholly unfounded. The officers of the Metropolitan Police were a body of remarkably efficient, prudent, and well-conducted persons. As to the suggested examination of the constables by the Civil Service Commissioners in order to test their literary capacity, while he thought the objections which had been made by some hon. Members to the system of examination exaggerated, on the other hand it appeared to him to be carrying the enthusiasm in favour of that system to a most extravagant extent to propose that the officers of police should be subjected to it. He did not believe that it would lead to better appointments than were made at present. He would not go into the details of the Road case, to which reference had been made. He asserted, however, in the most confident way, that no grounds existed for imputing any misconduct to the inspector

who went down on that occasion. There were circumstances with regard to the young lady whom he brought before the magistrates which, in a case of peculiar mystery and horror, justified him in asking the magistrates to pronounce upon the question. He took it upon himself to say, from a knowledge of the facts of the case, that the officer was justified in the course he adopted. He trusted with that explanation the Committee would agree to the Vote.

MR. W. WILLIAMS said, that if the hon. Baronet wished to have an inquiry into the conduct of the Metropolitan Police he would have to undertake the duty himself, as he was certain no Metropolitan Member would bring forward such a Motion. They were a most respectable and efficient body of men. The public were satisfied with them. They were themselves content with the wages they received, and he believed they were as well paid as any class of the community in the same condition of life.

LORD FERMOY said, the men in the City of London police had 2s. a week more wages than the men in the Metropolitan Police. The result both in the Metropolis and in Ireland of not paying the police well was that the best Members of the force left it and obtained situations elsewhere.

MR. ALDERMAN SIDNEY protested against the statement that the police were inadequately paid. There were more applications than vacancies. Every one agreed that the men who now entered the force performed their duties admirably, and it would be time enough to seek another and superior class when any complaints could be justly urged against them.

Vote agreed to.

(38.) £2,600 Queen's Prison.

(39.) £2,342, Lord Advocate and Solicitor General (Scotland).

(40.) £13,591, Court of Session (Scotland).

(41.) £8,066, Court of Justiciary (Scotland).

(42.) £5,500, Criminal Prosecutions (Scotland).

(43.) £1,120, Exchequer (Scotland).

(44.) £43,000, Sheriffs, &c. (Scotland).

(45.) £19,535, Procurators Fiscal (Scotland).

(46.) £15,260, Sheriffs Clerks (Scotland).

(47.) £2,150, Tithes, &c. (Scotland).

Sir George Lewis

(48.) £12,815, General Register House (Edinburgh).

(49.) £744, Commissary Clerk (Edinburgh).

(50.) £1,128, Accountant in Bankruptcy (Scotland).

(51.) £64,634, Law Charges (Ireland).

(52.) £2,900, Court of Chancery (Ireland).

(53.) £2,750, Court of Queen's Bench (Ireland).

(54.) £2,431, Court of Common Pleas (Ireland).

(55.) £12,460, Court of Exchequer (Ireland).

(56.) £200, Taxing Officers, Law Courts (Ireland).

(57.) £5,632, Registrars to Judges, &c. (Ireland).

(58.) £6,000, Manor Courts (Ireland).

(59.) £2,078, Registration of Judgments (Ireland).

(60.) £7,692, Court of Bankruptcy and Insolvency (Ireland).

(61.) £5,580, Court of Probate (Ireland).

(62.) £11,351, Landed Estates Court (Ireland).

MR. DARBY GRIFFITH stated, that only six petitions had been presented for a judicial declaration of title, and none of these had been carried to completion. People were deterred by the enormous amount of fees payable to the Court. Upon an estate of the value of £100,000 £5,000 would have to be paid in hard cash to the Court, independent of the law costs of the petitioner.

MR. CARDWELL said the fees were fixed by the Act, and the Home Office had no power to interfere.

MR. MALINS said, he was a practical law reformer, but he did not admit that everything called law reform had a claim to the name. A year or two ago a great flourish was made of the advantage of judicial declarations of title, and now the hon. Member for Devizes had stated the result. The hon. and learned Attorney General had encumbered the Paper for the whole Session with the Landed Estates Bill, the principle of which was registration and declaration of title. He hoped the Attorney General for Ireland would communicate to the Attorney General for England the total failure of the measure in Ireland, as a warning to the Attorney General for England not to proceed next year with his scheme.

COLONEL FRENCH said, that the rea-

son judicial declarations of title were not more sought in Ireland was the expense.

Vote agreed to; as were also the following Votes:—

(63.) £450, Revising Barristers (Dublin).

(64.) £300, Court of Errors, &c. (Ireland).

(65.) £1,200, Police Justices (Dublin).

(66.) £31,780, Metropolitan Police (Dublin).

(67.) £545,561, Constabulary Force (Ireland).

COLONEL FRENCH said, he would invite the hon. Member for Lambeth (Mr. W. Williams) to bring forward the statement he so often threatened in connection with this Vote. He (Colonel French) complained of the appointment of head constable in Ireland being given to an English officer. The duties of the force consisted chiefly in the collection of the Imperial revenues, and, therefore, he thought it was but fair that the charge of the body should be thrown on the Consolidated Fund. The system pursued by those English officers might make the police something of soldiers but it made them very indifferent policemen.

MR. McCANN said, that the Irish police were turned into a sort of revenue officers. That exposed them to the temptation of receiving bribes; and he had heard on good authority that corruption was creeping into the force from that source. He hoped his right hon. Friend the Chief Secretary for Ireland would turn his attention to the matter.

MR. CARDWELL said, he had communicated with the authorities, and found that the revenue duty was much better done by the police force than it had been discharged before it was placed in their hands. The highest encomiums were passed on this fine force by the Judges going circuit in Ireland. One of the most experienced officers in the London force, and who was also acquainted with Ireland, had told him (Mr. Cardwell), in answer to a question which he had put to him on the subject, that the best thing he could do with the Irish police was to let them alone. In appointments the best man was always looked for by the Government. The head of the Irish police was an Irishman, and Sir Richard Mayne, the head of the London police, was also a native of Ireland.

MR. BRADY complained of the re-

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strictions to which the Irish constabulary were obliged to submit with reference to marriage, and said he hoped that inquiries would be instituted into the subject previous to next Session.

LORD FERMOY said, he thought that the officer who had recommended the right hon. Gentleman (Mr. Cardwell) not to meddle with the police force in Ireland had given him very good advice—good for the police themselves, because an establishment was seldom served by interference on the part of a person who did not know much about it. He thought the promotions to high offices in the Irish police ought to be kept in the force itself, and that the Government ought not to import officers from the Horse Guards to fill those offices.

Vote agreed to.

(68.) £2,117, Four Courts Marshalsea Prison (Dublin).

(69.) £17,707, Inspection, &c., of Prisons.

(70.) £368,029, Prisons and Convict Establishments.

(71.) £159,357, Maintenance of Prisoners, &c.

(72.) £20,671, Transportation of Convicts, &c.

(73.) £173,827, Convict Establishment (Colonies).

House resumed.

Resolutions to be reported *To-morrow*; Committee to sit again *To-morrow*, at Twelve of the clock.

JEWS.—RESOLUTION.

MR. T. S. DUNCOMBE moved that the Resolution of the 24th day of January, 1860, be read.

Act of the present Session read; Resolution of the 24th day of January, 1860, read, as follows:—

“That any person professing the Jewish Religion may henceforth, in taking the Oath prescribed in an Act passed in the twenty-second year of Her Majesty to entitle him to sit and vote in this House, omit the words ‘and I make this declaration upon the true faith of a Christian.’”

MR. T. S. DUNCOMBE then moved, that the said Resolution be a Standing Order of this House.

Motion agreed to.

Ordered, That the said Resolution be a Standing Order of this House.

Standing Order of the 14th day of April, 1859, read, as follows:—

“That, on the meeting of a new Parliament

2 X

no Resolution in pursuance of the Act of the twenty-first and twenty-second years of Victoria, chapter forty-nine, which shall have the effect of admitting a Member professing the Jewish Religion to be sworn at the Table, be taken into consideration before Twelve of the clock on the fourth day appointed for taking the Oaths required by Law."

MR. T. S. DUNCOMBE, in moving that this Standing Order be repealed, congratulated the House on the destruction of the last shred of persecution for religion's sake, as far as that House was concerned. As long as great constituencies like London and Greenwich continued to return distinguished members of the Jewish persuasion to that House there was no fear of the people of England reverting to the old system of intolerance.

Motion agreed to.

Ordered, That the said Standing Order be repealed.

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, August 16, 1860.

MINUTES.] PUBLIC BILLS.—1^a Defences of the Realm; Customs (No. 2); Stamp Duties (No. 2); Fortifications (Provision for Expenses).
2^a Industrial Schools Act (1857) Amendment; Landlord and Tenant (Ireland); Consolidated Fund £10,000,000; Spirits.
3^a Ecclesiastical Commission, &c.

THE BUSINESS OF THE HOUSE.— THE SAVINGS BANKS BILL.

EARL GRANVILLE gave notice that he would, to-morrow evening, move a Resolution of Urgency in the case of the Savings Banks Bill, in order that his noble Friend, the Lord Privy Seal, might then move the second reading.

THE EARL OF DONOUGHMORE put it to the noble Earl (Earl Granville) whether this was fair treatment to the House, after the vote of Monday night. Many noble Lords, understanding that the effect of that vote was to postpone the Bill to another Session, had left town.

LORD REDESDALE thought that if the Government intended to renew the proceedings with regard to the Savings Banks Bill, and if there had been any intention of not considering the division of Monday night a final one, they ought to have given notice to that effect on the day after the division

was taken. The Bill had now been removed from the Minutes. [Earl GRANVILLE: No.] The general understanding had been that the same course would be taken in respect of the Savings Banks Bill as had been adopted in the case of the Stipendiary Magistrates Bill. He had seen with surprise in a newspaper a charge against the House of having thrown out a Money Bill, by refusing to proceed with this Savings Banks Bill. The newspaper to which he referred declared that the House of Lords, encouraged by the Prime Minister, had made another aggression; for they had ventured a second time to throw out a Money Bill sent up by the Commons. He must protest against the use of such language in reference to their Lordships' privileges. The Bill was not considered to be a Money Bill. It was in no way connected with taxation; but was to encourage the Chancellor of the Exchequer to do what the Report of a Committee, which sat in 1858, said ought not to be done.

EARL GRANVILLE suggested that it would be inconvenient to enter into a discussion of the merits of the Bill, when it was not at the moment before their Lordships.

THE EARL OF DONOUGHMORE thought that, considering the division come to by their Lordships on Monday night, the noble Earl (Earl Granville) ought to have given his notice on Tuesday. The noble Earl had not adopted that course, but came down to the House on Thursday, and proposed for the following day the revival of a question taken into consideration and decided on Monday. Noble Lords had left town in the belief that the Bill was at an end; and he must say that the effect of the noble Earl's notice would be to take the Opposition by surprise.

THE LORD CHANCELLOR said, that the course proposed to be taken by his noble Friend, the President of the Council, was perfectly regular; because the Bill was unquestionably now before the House. The Bill was now precisely in the same position as if it had been read a first time; and no day had been appointed for the second reading. There was nothing in the Standing Orders in the way of his noble Friend's proposal.

THE EARL OF DESART said, the Bill did not stand in the Minutes as for their Lordships' consideration; so that, strictly speaking, it was out of the Minutes. He thought it was scarcely justifiable for Her Majesty's Government to take advantage

of the weak state of the Opposition benches in order to press the measure.

LORD MONTEAGLE said, that the Government were bound not merely to make out a case for suspending the Resolution and reading the Bill the second time this Session, but also for reading it the second time to-morrow. He thought such notice should have been given as would at least have avoided the imputation of unfairness. Certainly if the noble Earl, on Monday evening, had thought of asking the House to reconsider its decision, they ought to have given immediate notice of their intention. He would ask whether there was any reason for taking this discussion to-morrow instead of any other day? It was notorious that they had plenty of time before the close of the Session in which to discuss this Bill.

EARL GRANVILLE said, that complaint of the course which he proposed had been made in two quarters. It was objected that Her Majesty's Government had not given notice of their intention immediately after the vote of Monday night. He thought that a moment's consideration would convince their Lordships that the complaint was without foundation. The question of this Bill being considered was a very serious one; and it would have been very wrong for the representatives of the Government in the House to take any step in consequence of the vote of Monday night without full consideration, and without communication with the whole of the Cabinet. There had been no opportunity for such communication until Wednesday. The intention of the Government had been communicated to the leading Member of the Opposition in their Lordships' House at the earliest moment. [LORD REDESDALE: To whom?] To the Earl of Derby. Under those circumstances he (Earl Granville) felt himself perfectly free from any charge of delay. As to the charge of unfairness brought against him by the noble Lord (Lord Monteagle) he did not think it necessary to reply to it; but he would say he should not be inclined to change the course which he intended to adopt in order to guide himself by the advice of a noble Lord who had induced the House to come to the unfortunate decision at which they had arrived on Monday night on a statement that the Government were ignorant of the Bill which they had introduced, and that he alone had real knowledge on the subject, he (Lord Monteagle) having all the while neglected to make himself master of

what the existing law was, and of what the Bill proposed to do. He was not inclined to take from the noble Lord counsel as to the course which either he (Earl Granville) or Her Majesty's Government ought to adopt.

THE MARQUESS OF SALISBURY did not wonder at his noble Friend (Earl Granville) feeling angry that the subject should be discussed. It would no doubt be more convenient for the noble Earl not to have any discussion upon it. It appeared from the Journals that a Member of the other House had, in the first place, disputed the right of their Lordships to say that they would not proceed with the second reading of Bills coming from the House of Commons after a certain day, and then said that he would bring the subject before the other House. [Order!] There was a general feeling abroad that the Savings Banks Bill had been brought in for the purpose of enabling the Chancellor of the Exchequer to dabble in the public funds and to make use of the money of the savings banks in connection with the new loan for fortifications that was about to be contracted. He asked the noble Earl whether it was wise, in so hasty a manner, and without due consideration, in renewing the alarm throughout the country that the Chancellor of the Exchequer intended by means of this measure to make use of the money of the savings banks. He did not hesitate to say that the notice of the noble Earl at that moment would have an injurious effect upon the public securities.

THE DUKE OF ARGYLL hoped that to-morrow they would be able to disabuse the mind of the noble Marquess as to its being the intention of this measure to empower the Chancellor of the Exchequer to dabble in the public funds. The notice given that night by his noble Friend had been decided upon by the Government after the fullest consideration, under the conviction—which he himself entertained very strongly—that their Lordships were not fully aware of the import and consequences of the vote to which they came on Monday night. His noble Friend had no alternative, under the circumstances, but to persevere in his Motion for the suspension of the Sessional Order, so as to allow the Bill to be read the second time.

LORD REDESDALE said, that this was a question of very serious importance with regard to their proceedings. The decision at which the House arrived the other evening amounted virtually to the rejection of

the Bill. ["No, no!"] It was equal to dividing against the second reading of a Bill when they declared that they did not regard the measure of such urgency as to require immediate consideration. After the result of the division everybody must have supposed that the Bill was dropped; yet, upon a single day's notice, their Lordships were to be asked to rescind their Resolution, and that, too, at a time when it was well known that each day the attendance in the House became weaker and weaker. The noble Earl the President of the Council would, of course, follow his own discretion in this matter; but he felt it his duty to represent what he thought everybody must feel—namely, that the House would be subjected to an undue surprise if this Motion were proceeded with to-morrow.

THE EARL OF LUCAN inquired when the communication which had been referred to was made to the noble Earl the leader of the Opposition.

EARL GRANVILLE said a communication had been made that morning on the part of the Government to Lord Derby.

INDUSTRIAL SCHOOLS ACT (1857) AMENDMENT BILL.

RESOLUTION OF URGENCY.—SECOND READING.

EARL GRANVILLE *moved* to Resolve, "That, inasmuch as the Transfer proposed by this Bill of the Powers of the Committee of Privy Council under the Industrial Schools Act (1857) to a Secretary of State is necessary for the public Service in reference both to Efficiency and Economy; and inasmuch, as it is desirable, with a view to further Legislation at an early Period, that the proposed Transfer should at once be made in order that some Experience may be had of the working of this Arrangement before the next Session of Parliament, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the said Bill necessary."

Resolution agreed to.

Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House *To-morrow*.

LANDLORD AND TENANT (IRELAND) BILL.

RESOLUTION OF URGENCY. SECOND READING.

THE DUKE OF ARGYLL *moved* to Resolve,

"That inasmuch as this Bill is closely connected with and complementary to the Tenure and Improvement of Land (Ireland) Bill which has recently been agreed to by this House, and as

Lord Redesdale

the Landed Proprietors of Ireland have been led to expect that a Consolidation and Revision of the Law of Landlord and Tenant would accompany the latter Measure, which so materially affects their Interests, the circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary.

Resolution agreed to.

Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at a Quarter past
Six o'clock, till To-morrow,
Eleven o'clock.

HOUSE OF COMMONS,

Thursday, August 16, 1860.

MINUTES.] PUBLIC BILLS.—2^o East India Loan.
3^o Stamp Duties (No. 2); Excise Duties; Customs (No. 2); Defence of the Realm; Peace Preservation (Ireland), Act (1856) Amendment.

STAMP DUTIES (No. 2) BILL.

THIRD READING.

Order for Third Reading read.

SIR HENRY WILLOUGHBY said, he wished to know from the Chancellor of the Exchequer, whether he had taken sufficient means for compensating by new taxation for the reductions which were proposed in existing duties?

THE CHANCELLOR OF THE EXCHEQUER said, that the statement which he made on the 10th of February of the proceeds of new impositions was affected to a certain extent by various minor changes which had been made in those particular impositions while under discussion in that House. With regard to the proceeds of all new impositions, many of them were of a nature that defied computation. It was impossible to say what would be the proceeds of a penny stamp on a delivery order or a threepenny stamp on dock-warrants, or what would be the proceeds from a licence duty for keeping a refreshment house for the sale of wine. Any opinion on those matters must necessarily be more or less speculative, for there were no data to go upon. The figures stated to the House were necessarily conjectural. As respected the duties contained in the present Bill, there was only one on which he reckoned any proceeds, and that

was the duty upon contract notes. That was a very small affair, and whether it might produce £10,000 was a matter of conjecture. There was nothing else in the schedule for which any credit had been taken. All the new impositions were in the sense of relaxing the existing law, and making a certain remission of payments with respect to which they could confidently anticipate that, as far as they operated at all, they would operate in favour of the revenue as well as of the taxpayer. There was one exception—namely, the charge on promissory notes, and that was not a relaxation, but an assimilation of the law in regard to bills of exchange. As regarded certain duties of insurance, that was one case in which they were endeavouring to relax the law for the advantage of the trade and the taxpayer in general; but it must be admitted that the enactment was only a partial one, and which did not give a complete and uniform character to the law of insurance. What they had to consider was—what was the nearest analogy upon which they could safely found themselves, and they considered that to be railway passengers' insurance, and they had adopted that as the basis of the present enactment. He admitted there was a certain anomaly. The subject was one deserving of further attention, and he should be glad at any future time to receive any proposal by which the law of insurance might be reduced into a state of perfect consistency.

MR. AYRTON said, he wished to have a distinct assurance from the right hon. Gentleman that the exemption in favour of friendly societies from stamp duty would be continued.

THE CHANCELLOR OF THE EXCHEQUER replied, that he could give that assurance without difficulty.

Bill read 3^o and *passed*.

EXCISE DUTIES BILL.

THIRD READING.

Order for Third Reading read.

MR. HENLEY inquired whether there was any additional charge sanctioned on the public under this Bill than existed under the old system?

MR. LONGFIELD said, he desired to know whether the anomaly which had been pointed out in the Bill with regard to rabbits being considered game had been removed. He also drew attention to the fact that in Ireland a game licence cost

£4 15s., in which was included £1 15s. for deputation; whilst in England it was only £2 12s. In Ireland they had to pay £3 for killing a hare with a greyhound, and in England the same privilege was enjoyed for 12s.

THE CHANCELLOR OF THE EXCHEQUER said, the last point mentioned by the hon. Gentleman was not in any manner affected by the Bill. As regarded the higher price which was paid for a deputed gamekeeper in Ireland, the hon. Gentleman must be aware that the condition on which the benefit of the English provision should be extended to Ireland was, that Ireland should pay assessed taxes. The anomaly with respect to rabbits had been removed. In answer to the right hon. Gentleman, he could only say that no legislation had been attempted with regard to the mysterious 1s. or 1s. 8d. to which he had referred. He (the Chancellor of the Exchequer) was cognisant of the fact that such a charge was made, but he was not cognisant of the origin of it, or of its distinct legal nature. The Bill gave no sanction to any extra charge on the public.

Bill read 3^o and *passed*.

CUSTOMS DUTIES (No. 2) BILL.

THIRD READING.

Order for Third Reading read.

MR. CAVE said, he wished to call the attention of the Chancellor of the Exchequer to certain anomalies with regard to colonial produce. The rum and brandy of foreign countries came to this country on terms which were relatively equivalent to the duties levied upon colonial rum and British spirits. He found in the French Treaty, under which these different duties seemed to have been assessed, that there was a prohibition against any spirit made from molasses. Now, as there was a very large quantity of spirits made from molasses, and as they had learned from a Return lately presented to the House that the quantity was constantly increasing, it seemed to him that this was a very important question, and particularly when they considered that in the year when the disease was in the French vine, a very large quantity had been sent to France. Under the treaty, that was prohibited for the future, and certain advantages had been given to France without any equivalent being received in return. He found likewise that under the French tariff, which had recently made its appearance, all Bri-

tish sugar was practically prohibited coming to France except in French vessels; and the Mauritius, especially, was deprived of the advantage which, in common with other Colonies on the other side of the Cape of Good Hope, she formerly enjoyed. He believed, however, that there was a treaty under negotiation with a view to remedy any anomalies which might exist.

THE CHANCELLOR OF THE EXCHEQUER said, he did not comprehend the meaning of the hon. Gentleman; but he was under a mistake in saying that there was a treaty under negotiation for the purpose of rectifying anomalies which existed in the Commercial Treaty which had been negotiated with France. There was no such negotiation, nor was any contemplated. The Convention that was now in course of negotiation was not for the purpose of rectifying, but of applying the treaty, and strictly in execution of the covenants contained in that treaty.

MR. SPOONER asked whether under the treaty there was any prohibition in regard to spirits made from molasses in England being admitted into France?

MR. MILNER GIBSON replied that he was not aware that there was any prohibition whatever stipulated in the treaty.

Bill read 3^d and *passed*.

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee (Supply) read.
House in Committee.

MR. MASSEY in the Chair.

(1.) £80,850 British Museum.

MR. WALPOLE said, he rose to move the Vote for the British Museum. In one respect the Vote was made up in a different form from that of former years. The buildings and fittings of the establishment used to form a separate Vote; but this year the whole was taken under one Vote, and he might state that, as compared with last year, there was a reduction of £2,000, while in the building estimate there was a saving of £147. There had been three valuable collections added to the Museum in the course of the year. One of these was a collection of valuable pictures purchased at Lord Northwick's sale. The second was some valuable manuscripts of the Earl of Lauderdale, of the time of Charles II.; and the third was a large mineralogical collection, purchased on the recommendation of Professor Owen. A very valuable present of coins and medals, between 2,000 and 3,000 in number, had

Mr. Cave

also been given to the Museum in the course of the year. The right hon. Gentleman concluded by moving the Vote.

MR. SPOONER expressed a hope that the British Museum might soon be rendered self-supporting by a small charge for admission on certain evenings. A feeling prevailed in the country that the Museum was kept up for the advantage of Members of Parliament.

MR. DANBY SEYMOUR suggested, that in the summer months the Museum should be opened earlier, so that professional men might have an opportunity of visiting it for special objects on their way to their places of business. With regard to the working classes, the Museum should be more utilized by being opened at hours more convenient for them.

MR. EDWIN JAMES said, he observed with regret that the attendance of the public at the British Museum had fallen off, and he thought something should be done to encourage the working classes to visit an institution so well calculated to instruct and humanize them. In 1859, the attendance at the Museum was 517,895, as against 621,624 in the previous year, making a falling off of nearly 100,000 persons. The truth was that the working classes were virtually debarred from the Museum, as they had only the evenings and Sunday to devote to other purposes than those of labour. He hoped that steps would be taken to open the Museum in the evenings, so that the working classes might have opportunities of attending it.

MR. W. WILLIAMS said, it was lamentable to see the way in which accommodation for the working classes was provided at our public exhibitions. At the British Museum, the time for visiting was from ten till four in winter, and in summer from ten till six. Those were hours at which it was impossible for the working classes to attend, and he therefore thought facilities should be given for their visiting the Museum in the evening. The sum paid for the establishment was immense.

MR. GREGSON said, he thought a small payment might be asked for admission to the Museum in the evening, which would pay the additional expense that might be incurred.

MR. LONGFIELD called attention to the enormous expenses under the head of salaries—upwards of £30,000—and observed that these expenses generally ought not to be borne by the nation.

MR. WALPOLE said, the falling off in

the number of visitors in 1859, as compared with 1857, was accounted for by the fact that in May, 1857, there was an influx of visitors to the number of 147,000, as compared with the average of 40,000, owing to the opening of the new reading-room. Since the new arrangements made for the convenience of students in the reading room there had been a larger and more regular attendance, and the arrangements gave universal satisfaction. Indeed, the trustees were exceedingly anxious to do all in their power to promote the interests of art and literature among all classes. There were only two trustees besides himself present—the Chancellor of the Exchequer and the Attorney General—and he was sure that they would agree with him in the sentiment he was about to express. It was his duty to collect the suggestions that were made in that House when the Estimate was brought forward, and to lay those suggestions before the trustees. He would, of course, submit to the trustees the representations that had now been made with reference to providing greater facilities for the attendance of the working classes at the Museum, and he had no doubt that in the course of the autumn their attention would be directed to the subject, with the view, if possible, of meeting the views of the Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he believed that he also spoke for his hon. and learned Friend the Attorney General when he said he was glad that the right hon. Gentleman had given a favourable reception to the important suggestions that had been made. He believed there would be no practical obstacle in the way of carrying out the proposals which they had heard. It was reasonable that a national institution like the British Museum—for it was not a merely local institution—should be supported by the public. The advantages enjoyed at that establishment, and which could be enjoyed with a degree of luxury that few gentlemen could command at their own homes, were not for Londoners only. They were for the whole British nation, and it was impossible, therefore, to give the institution a merely local character. He begged to remind his hon. Friend, who spoke of the great expense connected with the officers of the establishment, that hitherto the Government had been under the necessity of checking the tendency of Members of that House to extend rather than lower the expenditure to which he refer-

red. The Committee had that day heard a gentleman complain of the salaries paid at the British Museum as being too large; but for years past they had been accustomed to hear of their being too small.

MR. AYRTON complained, that while every effort was made to induce visitors to go to see what had been called the toy establishment at Kensington, nothing was done to induce the public to resort to the British Museum, which stood so conveniently in the centre of London. It was remarkable, too, that one-half of the whole number who visited the establishment at Kensington went there in the evening. No practical objection could be stated against opening the British Museum in the evening, except that it would cost money. Thousands were expended in keeping up the trumpery collection at Kensington, while little or nothing was done for that great national establishment the British Museum. A great evil was that all our museums and collections of different kinds were not under one directing head. They were all placed under separate trustees and managers, and hence there was no unity in their management, while the different collections were kept separate from each other. While on the subject he could not help referring to Burlington House, on which £150,000 had been spent, but which was left unoccupied except by the London University, that had almost no material existence, and by the Royal Society, which might be considered as an effete body. They had been told the other day that the Lord Privy Seal had nothing to do. Why should he not be made available as a public officer to take charge of all these works and collections, instead of leaving them, as now, to be taken care of by persons who drew large salaries but were almost entirely irresponsible? He hoped that some measure would speedily be taken to put all the Departments of Art and Science on a proper footing.

MR. BUTT said, the salaries of the officers of the British Museum were upon a scale far inferior to those employed in other Government offices, while they had qualifications far higher than were required in other public departments. The officers of the British Museum presented a memorial to the trustees for an advance of salary, which he believed was supported by the noble Member for the City (Lord John Russell), but it was not successful.

MR. CONINGHAM contended that the

officials at the British Museum were entitled to better remuneration than they now enjoyed. The clerks in the public offices had only ordinary duties to perform, but these gentlemen, before they could fill the situations they held, must have a scientific education. There were men in the British Museum who had been there for twenty years, and had not yet reached the *maximum* salary of £300 a year. With regard to the interests of the Museum generally, he hoped it would be maintained in its integrity on its existing site. He strongly objected to the attempt which had been made to remove the Natural History Department to Kensington. There was evidence given before the Committee that an enormous expenditure would be incurred if that attempt were carried out.

THE CHANCELLOR OF THE EXCHEQUER observed that the reference he had made historically to what took place in former years with regard to the salaries of the officers of the Museum might almost be regarded as prophetic; for again the Committee had heard a renewal of the demand that used to be so frequently made for an advance in the salaries of those officers. They had heard hon. Gentlemen, who were great advocates of retrenchment, advocate a wholesale advancement of salaries, though they knew that those salaries had been revised within the last few years, and fixed on what was believed to be a fair and equitable footing. To compare the salaries given in the British Museum with those in the public offices was fallacious and unsatisfactory, because they had no system of classification that would enable them to bring out in a simple form the respective duties, and what ought to be the salaries of each. A clerk in a public office was hard at work, or supposed to be, all his official hours, but that was not the case with the officers of the British Museum, whose duties were of a much less exhausting character. He did not say this mode of viewing the matter settled the controversy, but it was enough to show that the comparison between the two classes of officers was superficial, and therefore delusive. It was only by a searching inquiry that the comparative claims of the two could be decided upon and determined. He doubted whether there was one of the officials in the British Museum who was not at that moment receiving a larger salary than was promised him when he accepted his office, and the receipt of which induced him to take it.

Mr. Coningham

The hon. Member for the Tower Hamlets (Mr. Ayrton) alluded to the purchase of Burlington House. He regretted as much as the hon. Member could do, that such long periods should elapse before any conclusion could be arrived at as to the disposal of buildings of that kind, the price of which had been paid, and which entailed a large annual charge for interest. He had no hesitation in saying that this and other circumstances of a like kind were entirely owing to the lamentable and deplorable state of our whole arrangement with regard to the management of our public works. Vacillation, uncertainty, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated were united in our present system. There was a total want of authority to direct and guide. When anything was to be done they had to go from department to department—from the Executive to the House of Commons, from the House of Commons to a Committee, from a Committee to a Commission, and from a Commission back to a Committee—so that years passed away, the public were disappointed, and the money of the country was wasted. He believed such were the evils of the system, that nothing short of a revolutionary reform would ever be sufficient to rectify it.

MR. CONINGHAM defended himself from the insinuation of the Chancellor of the Exchequer that he was acting in the present instance in a way inconsistent with his professions in favour of retrenchment and economy.

MR. DANBY SEYMOUR called attention to the payments for photography of £2,000 and £900, at the British Museum and South Kensington Museum. The vacillation which the right hon. Gentleman spoke of was entirely the fault of the Government. Had a proper plan been brought before the House, the matter would long ago have been settled.

MR. BUTT said, he thought that the duties of the officers of the British Museum were much more arduous than those of the clerks in the public departments, of whom it had been said that their chief employment consisted of reading newspapers and pamphlets provided for them at the public expense.

MR. WALPOLE said, he would give no opinion as to the salaries of the officers of the British Museum. Two years ago those salaries were revised by the trustees, with the assistance of the Treasury, and he be-

lieved no complaint was made of the settlement then made as to salaries. At that time the officers of the Museum were not entitled to superannuation allowances. In a letter which he (Mr. Walpole) wrote to the Treasury he strongly recommended that they should receive superannuation allowances, and that an increased vacation should be given. The Treasury acceded to those suggestions, and both had been granted. He wished to give no opinion on the question of raising the salaries; but he would venture to say, in justification of his right hon. Friend the Chancellor of the Exchequer, that while it might be quite right for individual Members to press the case of the officers, if they thought them entitled to higher salary, it was, at the same time, the duty of the House to protect the public expenditure. The salaries should be estimated with a proper regard to the services to be performed, and the question of raising those salaries ought not to be raised merely in consequence of individual pressure on the individual Members of that House.

MR. EDWIN JAMES said, he hoped good results would follow from the manly and straightforward speech of the right hon. Gentleman the Chancellor of the Exchequer. He had stated that the cause of so much of the mismanagement and expenditure complained of was the vacillation and extravagance of the system under which our public works were conducted. He (Mr. James) would suggest to him that a great deal of the evil he spoke of arose from so important a department as that of the Board of Works being regarded as a mere family appanage, and the fact that the First Commissioner of Works was exposed to all sorts of influences. If a man of strong will and ability were uniformly appointed to that office—one who would not be unduly influenced by suggestions made from certain quarters—much of the evil would be avoided. The Minister of Works held a most important office, and he ought to be a man not under the influence of mere family patronage.

MR. CONINGHAM said, he should be glad to see the Vote for the National Gallery reduced.

MR. M'CANN said, that these Votes had doubled in amount since he had been a Member of the House. There was always some one to get up and propose an increase of salary.

MR. PEACOCKE said, he thought the hon. and learned Member for Marylebone

was not warranted in the attack he had made on the First Commissioner of Works. The hon. and learned Gentleman spoke of the office being a family appanage, but he seemed to forget that it was at one time held by Lord Llanover, when he represented the large and important constituency now represented by himself. The office was also held by Sir William Molesworth, who likewise represented a large and important Metropolitan constituency; and both of those Gentlemen had the full confidence of their constituents.

THE CHANCELLOR OF THE EXCHEQUER observed, that he did not understand that any attack was made by the hon. and learned Member for Marylebone on his right hon. Friend, who now held the office of First Commissioner of Works. It would be most unfair to make the present holder of that office responsible for the existing state of our arrangements as to the British Museum, the National Gallery, Burlington House, and the disposal of the Kensington estate. Nothing could be more unjust than to lay the general inefficiency of our system with regard to such works at the door of the present head of the Board of Works, or even at the door of a series of his predecessors.

MR. AYRTON said, he imagined that the past and present Ministers of Public Works were subject to so many importunities and influences, that they had no power or will of their own. The department was too much subjected to others. He hoped that the Government would place it on a more independent footing, and invest it with real responsibility.

MR. EDWIN JAMES disclaimed having made any attack on the First Commissioner of Works. He merely wished to say that it was an office of great importance, and should be uniformly held by a person of great ability and skill, and who would not be under undue influences.

SIR GEORGE LEWIS stated that the officers of the British Museum were appointed by three *ex-officio* members of the Commission—the Archbishop of Canterbury, the Lord Chancellor, and the Speaker.

Vote agreed to, as was also

(2), £4,300 Bermudas.

(3.) Motion made, and Question proposed,

“That a sum, not exceeding £6,628, be granted to Her Majesty, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces, to the 31st day of March, 1861.”

MR. HADFIELD objected to the item

of £2,363 for Missionaries of the Incorporated Society for the Propagation of the Gospel in Canada, and should move the entire rejection of the Vote. He understood that the Prince of Wales's visit would cost Canada £100,000; and yet this country was asked to Vote £6,628 to send Missionaries to persons who could afford to spend this amount. Since the Clergy Reserves in Canada had been abolished, the Church had been supported much more liberally; and it was an insult to that enlightened Colony to vote them a paltry £6,000 for the purpose. He did not believe they wanted it.

MR. CHICHESTER FORTESCUE said, that if this Vote were withdrawn the clergy would be left entirely to their congregations, which the Government could not allow. This was a diminishing grant, which would expire with the lives of the recipients. Some years ago it was upwards of £30,000.

Motion made, and Question,

"That the item of £2,363, to Foreign Missionaries of the Society for the Propagation of the Gospel, be omitted from the proposed Vote."

Put, and *negatived*.

Vote *agreed to*, as was also

(4.) £1,600 Indian Department (Canada).

(5.) £15,000, British Columbia.

MR. W. WILLIAMS said, that the colony was producing little or no revenue, and he wished to know how long this expenditure was to go on.

MR. CHICHESTER FORTESCUE said, he was not prepared to state exactly what the revenue was; the returns were not so accurate as they might be. But in 1859 he believed the revenue was about £50,000. A considerable expense was unavoidable in the establishment of a colony of this kind. A large sum had been spent in sending out a corps of Engineers, but they had not answered expectations.

MR. MALINS expressed his belief that the colony would soon become a very valuable one. The Surveyor General of that colony, now in England, could give every information that was desired. He had no doubt that the colony would make the best return for the outlay upon it of any of the British Colonies.

MR. DANBY SEYMOUR asked, Whether anything was being done towards the formation of a road from Red River to British Columbia, and whether postal communication was likely soon to be established?

Mr. Hadfield

MR. MALINS said, he was assured by the Surveyor that a road might be made over the Rocky Mountains for a very trifling sum. The seat of Government was in Vancouver's Island, and they ought not to attempt to force emigrants to settle on the mainland, which was comparatively unpopulated.

SIR HENRY WILLOUGHBY wished to know what power the Governor of British Columbia had of drawing upon the British Treasury?

MR. LAING said, that if a Governor drew to an unlimited amount, they would refuse acceptance of his bills, but a discretion must be used as to accepting drafts in excess of the amount voted by Parliament. An unforeseen demand, however, sometimes arose, as on the occasion of a vessel laden with stores for the Colonies being consumed by fire.

MR. HENLEY asked, whether there was any expectation that the current expenses incurred in the colony would have to be met by bills on this country during the present year?

MR. CHICHESTER FORTESCUE said, it was not expected that it would be necessary to draw any Bills, and therefore no such item was inserted in the Votes. It was hoped that the colony would shortly be able to pay its own way. He might add that roads were in course of formation in the colony, and negotiations were going on for opening out its capabilities. Instructions had been sent out to reduce the price of land to the same rate as prevailed in America. There was also a valuable and almost unlimited supply of coal in Vancouver's Island, which had already been worked.

Vote *agreed to*.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £24,728, be granted to Her Majesty, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in the West Indies, and certain other Colonies, to the 31st day of March, 1861."

MR. W. WILLIAMS observed, that it was high time these Governors were paid by the Colonies themselves. There was a sum of £3,500 for the Governor of Jamaica. Jamaica used to pay its own Governor, but was relieved from that expense on account of the distress into which the island fell. It was now time that we should cease to pay these salaries. He objected also to the salaries of the Secretaries of the Governor of the Windward

Islands. He moved that the Vote be reduced by £3,500, the salary of the Governor of Jamaica.

MR. CAVE supported the Vote, and observed that Jamaica was now in a worse position than any of the other islands. Besides, the faith of this country was pledged to this arrangement, in consideration of certain changes in the Constitution submitted to by the Colonial Legislature.

MR. CHICHESTER FORTESCUE admitted that it was anomalous for this country to pay the Governors of colonies, but the West Indies were in a very exceptional condition, in consequence of the distress which had long prevailed there. An arrangement had been made by which a debt due to this country from Jamaica was to be commuted into an annual payment; and he believed that after the present Governor, such a Vote as that before the Committee could not be asked for.

Motion made, and Question,

"That the item of £3,500, for the Salary of the Governor of Jamaica, be omitted from the proposed Vote."

Put, and *negatived*.

Original Question put, and *agreed to*.

(7.) £18,000, Stipendiary Justices (West India Colonies and Mauritius).

MR. W. WILLIAMS said, there were twelve magistrates in Jamaica, in aid of whom this country was taxed to the amount of £5,850. He had called attention to this expenditure for several years; but there appeared to be no reduction going on.

MR. CHICHESTER FORTESCUE said, that this also was an expiring Vote, while it was desirable that the magistrates should be independent of local influence.

SIR JAMES GRAHAM said, he understood that there was an unexpended balance on this Vote of £18,000; and if so, they ought to vote nothing at all.

MR. LAING said, there were salaries coming due on the 31st of March, the date of the balance, which had probably been paid out of the amount in hand.

Vote *agreed to*; as were also the following Votes:—

(8.) £10,230, Civil Establishments (Western Coast of Africa).

(9.) £6,273, St. Helena.

(10.) £960, Heligoland.

(11.) £4,067, Falkland Islands.

MR. W. WILLIAMS objected to the sum as monstrous, considering the number of persons resident on the islands.

MR. CHILDERS pointed out the im-

portance of the Falkland Islands to our homeward-bound shipping from India, China, and Australia, and also as a place for a convict establishment.

Vote *agreed to*.

(12.) £5,155, Labuan.

MR. CHICHESTER FORTESCUE said, there had been some intention of abandoning the settlement; but an experiment was about to be made, under very favourable circumstances, for the purpose of raising coal there; and it was believed that a very valuable supply would be obtained. Were this done, a large royalty would be derived from the coal.

Vote *agreed to*.

(13.) £11,472, Emigration Board.

MR. W. WILLIAMS asked an explanation as to the Staff of the Board.

MR. CHICHESTER FORTESCUE said, there had been two Commissioners, but one had been transferred to the Colonial Office, and his place had not been filled up. A secretary had undertaken the duties, with a small addition of £200 to his salary; so that there was in reality a saving of £800 a year.

MR. NEWDEGATE referred to the increasing scarcity of agricultural labour in this country, and to the accumulation of convicts at home at a great expense. He hoped that the Government would do something to remedy these evils, and try whether convicts might not be sent to some of the colonies, where they might recover their character.

MR. VANCE said, he thought a great many females might be sent to the Colonies from the workhouses of this country. They were sure to be employed in the Colonies as servants.

MR. CHILDERS said, that the female emigrants sent out from workhouses in 1857 had been most unsatisfactory to the colony of South Australia; so much so that the colony had ceased to use the agency of the Board in procuring female emigrants. The Colonies to which convicts had been formerly sent would no longer receive them; and it would be more expensive to send them abroad than to keep them at home.

MR. NEWDEGATE suggested Vancouver's Island as a desirable place to which to send convicts.

MR. CHICHESTER FORTESCUE said, the Emigration Commissioners were, of course, very much guided by the wishes of the Colonies, which provided the emigration funds. Though anxious for female

emigrants, the Colonists were much opposed to the inmates of the workhouses being sent to them.

MR. HENLEY said, he thought it would soon become a question whether the colonists, who were so anxious to take people away from this country, should not be at the whole of the expense incurred.

MR. CAVE said, that this Board was not established at the instance of the Colonies, but rather as a check upon them, in order to carry out the strict regulations with which the Imperial Government had—and he thought very properly—fettered the emigration of Natives of India and China to the West Indies. The emigration agents, who did the colonial work in India and China, though requiring the approval of the Home Government, were paid entirely by the Colonies. Having had frequent communication with the Emigration Commissioners in London, he felt bound to bear testimony to their zeal and efficiency, and the good they had effected in placing emigration upon the best footing, as well as in dispelling many false impressions which had once prevailed regarding it.

MR. CHICHESTER FORTESCUE observed, that the colonists would no doubt be very glad to carry on emigration without being subjected to any of the restrictions imposed by the Emigration Board, and, probably, they would on that condition be at the whole expense.

Vote agreed to; as was also.

(14.) £12,000 Captured Negroes and Liberated Africans.

Motion made, and Question proposed,

“That a sum, not exceeding £10,750, be granted to Her Majesty, to pay the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for Suppressing the Traffic in Slaves, to the 31st day of March, 1861.”

MR. CHILDERS said, there was a large unexpended balance of £20,000 under this head, while £3,000 only had been spent, and he hoped some explanation would be given on the subject.

MR. DANBY SEYMOUR objected to the Mixed Commission at the Havannah, where it was notorious that the slave trade was going on unchecked. This Commission was of no use whatever for the suppression of the slave trade at Cuba, and therefore he objected to its continuance. He believed that nothing would stop the slave trade but the encouragement of Coolie immigration from China to Cuba. The Spanish Government was perfectly able to

suppress the trade if it chose to do so, and it was bound to do so by treaty. He moved that the Vote be reduced by £1,300, which was the sum for the Mixed Commission at Havannah.

Motion made, and Question proposed,

“That the item of £1,300, for the Judge and Arbitration of the Mixed Commission Court at the Havana, be omitted from the proposed Vote.”

MR. CAVE hoped the Government would not be a party to the immigration of free persons into slave States. It was notorious that of the Coolies imported from China to Cuba hardly one ever returned to China, and that they remained as slaves. He had within the last few days received an account from an engineer who had been many years in Cuba, to the effect that the Chinese were treated in precisely the same manner as the negroes. He agreed with the hon. Member in his strictures on the conduct of Spain, but we should not forget that by our enormous and increasing consumption of slave sugar, we held out the greatest temptation to her to continue in that course.

SIR JAMES GRAHAM said, he wished to draw the attention of the Committee to the pecuniary question. It appeared that there was an unexpended balance of £20,000, and yet they were asked for an additional sum of £10,000.

MR. LAING said, the whole expense incurred under this Vote was paid out of the Treasury chest, and a settlement was made periodically. There could be no doubt that the sum put down as unexpended would be found to have been paid.

SIR JAMES GRAHAM observed, that the explanation was an unsatisfactory one. It would be contrary to all ordinary rules to vote £10,000 for a particular purpose when an unexpended sum of £20,000 was in hand.

SIR GEORGE LEWIS said, almost the entire sum was for salaries, and it might be assumed that those salaries would be applied for. The question seemed to him to be one merely of balance and account, and there could be no doubt that it would be ultimately adjusted with the Treasury, and that it would be found that the sum was expended within the year.

SIR JAMES GRAHAM said, he thought the argument of the right hon. Gentleman rather went to show that the sum had not been expended. He thought that, if ever there was a case of unexpended balances on which the House ought to make a stand, the present was that case. The

Mr. Chichester Fortescue

simple question was, whether they were now to vote £10,000 when there was a balance of £20,000 unexpended.

MR. LAING said, he had no doubt the matter could be satisfactorily explained. He would therefore recommend that the Vote be postponed, and in the meantime he would promise to make inquiry on the subject.

Motion and Original Question, by leave *withdrawn*. The following Votes were *agreed to*.

(15.) £142,713, Superannuation Allowances.

(16.) £1,140, Toulonese and Corsican Emigrants.

(17.) £325, Refuge for the Destitute.

House *resumed*.

Resolutions to be reported *To-morrow*.

Committee to sit again *this day*, after the Order of the Day for the Report of Supply.

On Motion for going into Committee of Supply,

THE RAJAH OF OUDE.—QUESTION.

MR. H. BAILLIE said, he rose to ask the Secretary of State for India, what sum the Indian Government proposes to allow as a suitable sum for the Rajah of Oude? After the manner in which the Prince of Oude had been treated—the Indian Government having not only deprived him of his territory, but plundered him of his private property; his horses, carriages, jewels, and even his clothes, having been seized and sold—he thought the least the Indian Government could do was to make him a suitable allowance, and he wished to know what allowance they proposed to make. He also wished to know when the right hon. Gentleman proposed to take the second reading of the Indian Loan Bill.

SIR CHARLES WOOD said, he had received no notice of his hon. Friend's first question, and was, therefore, unprepared to answer it. As to the Indian Loan Bill he proposed to take the second reading this evening after the Votes in Supply.

ENGLISH RECRUITS FOR GARIBALDI.

QUESTION.

MR. HENNESSY said, that he should not have risen to put the question which stood in his name on the paper in the absence of the noble Lord the Foreign Secre-

tary, had he not understood that the noble Lord had left town. The Government had declared their intention very unequivocally with respect to enlistments for any belligerents in Europe. On the 7th of December the noble Lord the Foreign Secretary wrote a despatch to Lord Augustus Loftus, in which he said:—

“I have read your despatch reporting a conversation you have had with the Austrian Minister on the rumoured enlistment of Austrian subjects for the Papal and Neapolitan armies, and I have to instruct you to repeat to the Austrian Minister the question you asked him.”

That question was whether the Austrian Government were aware that enlistments were going on in Austria for the Papal and Neapolitan armies; whether the Austrian Government considered that to be legal; and whether the Austrian Government had given their consent to those enlistments. He was now about to ask Her Majesty's Government a similar question. A very remarkable letter had recently appeared in *The Times* newspaper. That letter merely put before the public what the Government and many Members of that House were previously well aware of—namely, that a very gallant officer had come from Sicily at the request of General Garibaldi, and was publicly acting in this country as a recruiting agent for the insurrectionary army of General Garibaldi. In *The Times* the officer to whom he referred, Captain Styles, published a letter in which there was a memorandum written by General Garibaldi and dated from a place rendered famous by his distinguished valour—Melazza. It was to this effect:—

“Captain Edward Styles goes to England with my authority. His object is to render advice and guidance to volunteers who may wish to come here to fight for the liberty of this country.

Captain Styles, in his letters, referring to the subscriptions sent from England, proceeded to say, General Garibaldi

“Thinks that assistance may yet take another practical shape. He believes that there are many in this country who are desirous of taking up arms in the cause of Italian independence.”

Then he added—

“Those who join him may be certain of receiving all the rewards and honours to which they may be entitled.”

He spoke of the distinction, fame, and promotion which awaited Englishmen joining Garibaldi, and said he was ready to give all the necessary advice and information to those respectable young men—especially Rifle volunteers, as well as soldiers, who

might wish to gather laurels in the cause of Italy. That letter was dated from Anderton's Hotel, Fleet Street, and was signed "Edward Styles, Captain, Aide-de-Camp to General Garibaldi." He did not wish to say a single word on the important question how far Captain Styles, as a subject of the Queen, had violated the law, and how far the gentlemen associating with him were now also violating the law. That was a question which the law officers of the Crown might themselves more properly determine. He would say, however, that the only specific Act of Parliament on this subject, 59th of Geo. III. c. 69, was not an Act which the Government should at any time seek to enforce. There were three modes in which subjects of Her Majesty might enter into engagements of the kind to which he referred. They might either serve under a Sovereign in amity with the Queen, or under a Sovereign not in amity with the Queen, or serve under an insurrectionary chief. In the first case, the enlistment would be a breach of the Foreign Enlistment Act, and in the other cases there could not be a doubt that either would be a breach of the common law of England. He would remind the House that the hon. and learned Attorney General, in a discussion that took place in May last, had said that any one who co-operated with others in this country to promote a revolt, or to encourage the waging war against a Sovereign in amity with the Queen, was guilty of a breach of the common law. That statement was in accordance with the opinions of Lord Lyndhurst and all the most eminent lawyers who had taken part in debates upon the subject. He wished to know from Her Majesty's Ministers whether the attention of the Government had been called to the letter in *The Times*, whether they had given their consent to any enlistments, and also whether in the opinion of the noble Lord such proceedings were not a breach of international law. The noble Lord the Secretary of State for Foreign Affairs had read a lecture to Austria for allowing troops to be enlisted for service in the Papal and Neapolitan armies, and he (Mr. Hennessy) wished to know whether the noble Lord was prepared to follow the course which he adopted in December last, and whether the noble Lord would recognize a distinction between the enlistment of Austrians to serve in the Papal or Neapolitan armies and enlistments in England to assist an insurrectionary chief in waging

war against a Sovereign in amity with this country. In conclusion, to prevent misapprehension of his motives, he (Mr. Hennessy) would express his opinion of the distinguished General at the head of the movement in Italy. He believed Garibaldi was not only a gallant officer, but had displayed heroism which entitled him to the sympathies, and he might almost say the esteem, of the people of England. But whatever opinion might be entertained of Garibaldi's personal qualities, they were bound to see that international law was not violated, and when they knew that Garibaldi's objects were not confined to freeing Sicily, but that he was bent upon assailing a great Power—Austria; that at the present moment all Foreign Affairs were complicated by his movements, and that Russia and Austria were determined to act in concert upon the Italian question;—when they knew all these things, he thought the House would consider he was justified in putting the question to the noble Lord whether the Government knew or sanctioned proceedings which could not be otherwise than illegal.

SIR JOHN SHELLEY said, that before the noble Lord answered the question of the hon. Gentleman who had just sat down, he wished to remark that the hon. Member had never said a word on the departure of a number of Her Majesty's subjects from Ireland for the purpose of supporting the Pope. But the observations which had been made by the hon. Gentleman would surely have applied to that movement as well as to the case to which he had just directed their attention. He (Sir John Shelley) should say he sincerely hoped that those gallant fellows who were about to leave this country for the purpose of supporting General Garibaldi would be better treated than the recruits who had gone from the sister country to support the Pope.

VISCOUNT PALMERSTON: In answer to the questions of the hon. Gentleman, I have to state that Her Majesty's Government have no knowledge of any enlistment going on in this country for service under General Garibaldi, and none of the Englishmen who are understood to be co-operating with General Garibaldi are in Her Majesty's service. Of course it is out of the question that any of Her Majesty's soldiers should enter any foreign service, for that would be an act of desertion punishable by the military law of the country. The hon. Member has put the case as fall-

ing within one or other of two conditions. First, he has treated it as bearing on the provisions of the Foreign Enlistment Act. Now, upon that point I must observe that, as my hon. Friend the Member for Westminster has stated, the act of any person going from this country to Sicily to join General Garibaldi would be of precisely the same nature as the act of those Irish volunteers who went out to serve the Papal Government. The Foreign Enlistment Act forbids entering one service just as much as it forbids entering the other. The hon. Member, however, must be aware of the difficulty of enforcing that Act, as it is necessary to prove that the enlistments take place in this country. The possibility of obtaining any evidence to that effect was avoided by those who went to Rome by their declaring that they went for the purpose of being employed on railway works, which unfortunately have no real existence in the Papal territories. If those persons to whom the hon. Member has referred are answering the invitation of certain officers or gentlemen, they might allege that they were going to see what Mount Etna was doing. It would be very easy for them to give excuses that would place them entirely beyond the provisions of the Foreign Enlistment Act. The hon. Gentleman put the case upon another ground—namely, that of international law. That is, no doubt, a very important question; but the House will recollect that, as was stated by my hon. and learned Friend the Attorney General, there is great difficulty in bringing the principles of international law to bear upon particular acts such as those to which the hon. Gentleman has referred. All that I can say is, that we know nothing of any enlistment going on in this country; and if we found that any enlistment were taking place for any power, or state, or assumption of a state, we should apply the provisions of the Foreign Enlistment Act impartially to any persons infringing those provisions in a way that would bring them within the operation of the law.

MR. KINNAIRD said, he wished to know whether the Government had received any official information of the landing of a portion of General Garibaldi's force on the shores of Calabria.

VISCOUNT PALMERSTON said, the Government knew nothing upon that subject beyond the general reports in the newspapers.

MR. VINCENT SCULLY said, the adage

that none were so deaf as those who would not hear seemed peculiarly applicable in the present case. He had no objection to anybody who chose going to serve Garibaldi, and did not see why what was sauce for the Irish goose should not be equally good for the English gander. He did not wish to introduce the names of ladies into the debate, but could not help remarking that in *The Times* of Saturday last, there appeared an advertisement of a society to collect funds to be remitted to General Garibaldi, of which society the Countess of Shaftesbury was Chairwoman—[*A Laugh*]
—and in the list of contributions which followed the first name was that of Lady Palmerston, and the second that of Mrs. Gladstone. Considering the alleged ignorance of Lord Palmerston of what was going on, the above fact indicated a little domestic revolution, of which his Lordship appeared totally ignorant. [*Laughter.*]
He did not object to Italian freedom or unity, but he thought it only fair that the Italians should be allowed to play their own game, and not be countenanced either by the physical support or the moral influence of England. No one could say the English Government was interfering physically, but no one in the three kingdoms or in Europe could doubt that this country was intermeddling by her moral influence. As a Protestant country, in whose councils the Catholic element was entirely excluded, he contended we ought rigidly to abstain from meddling with the internal affairs of a Catholic Power. He had a Notice on the Paper with reference to Irish education, but as hon. Members were anxious to hear a statement of the intentions of the Government he would not press it.

Motion agreed to.

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee;

MR. MASSEY in the Chair.

(18.) £220,722, Public Education in Ireland.

MR. CARDWELL, in rising to move for the sum of £220,722 to complete the total sum of £270,722 for united national education in Ireland, said that the Vote showed an increase of £21,254 over that of the preceding year. Without going into a detailed analysis, he might state that the two main items of this increase consisted in a Vote of £4,000 for the in-

creased expenditure of model schools, and £17,000 for making improved provision for the teachers of the ordinary schools throughout Ireland. The latter item of increase arose from three sources—first, the natural expansion of the system from an increased number of schools, and coupled therewith the extended payment they received after undergoing training in Dublin and receiving a higher class certificate, and the higher salary to which they were entitled as they rose in the scale of acquirements and efficiency. As the schoolmaster was the life and essence of the school, and the value of any system of education depended on the capacity of the schoolmaster, it was satisfactory to observe a gradual increase in this part of the Estimates. Last Session the attention of the Government having been called to this matter by the hon. Member for Dungarvon (Mr. Maguire), they undertook to consider the position of the schoolmasters and schoolmistresses, and to say whether they thought it right to call on the Treasury to increase the remuneration they received. Upon that review the Government determined to demand an increase in the Votes for this purpose, and the sum of £7,000 was included in the Estimate, together with a further sum of £3,500, which, in addition to a small sum in the Estimate of last year, would be applied to increase the income of those masters and mistresses who had served a considerable period of time, complied with the regulations, and obtained certificates of distinguished efficiency. The whole sum now asked for improving the position of schoolmasters and schoolmistresses in Ireland amounted to £10,500. For the education now given in Ireland the total sum asked was £270,722, and any one who compared the results which were produced by the larger expenditure in this country, and the value to the country of the education thus given, would be disposed to think that there were few items of our national expenditure which yielded a better return to the liberality of Parliament than the Vote for which he now asked.

He had observed a feeling growing up that the system of granting large sums of money through Commissioners without any direct control on the part of Parliament required the attention of those whose duty it was to ask for the money. Accordingly, he thought it his duty very soon after he went to Ireland to communicate with the Resident Commissioner on the

expenditure upon two important items—the first, under the head of model schools, which amounted to £30,000 a year; and the other, under the head of agricultural schools, which had repeatedly been the subject of conversation in that House, and with respect to which an engagement had been come to with the House that no new expenditure should be incurred, and that efforts should be made to retrench the existing expenditure on this account. With regard to the model schools, it had been said that they were an innovation upon the plan adopted under Lord Stanley's letter, but so early as the second report made to Parliament, the Commissioners had plainly stated their intentions at that period in respect to the establishment of model schools. They recommended the establishment of 32 district model schools, equal to the number of counties in Ireland, although they subsequently retrenched the number from 32 to 26. At present there were 14 model schools actually in operation, and there were 12 more either in progress or in regard to which the Board were under engagement, making the whole number of model schools 26; of these 17 were training schools, which not only gave a model education to the pupils of the district, but were also available as training establishments for the instruction of pupil teachers, who afterwards themselves became teachers of the young. He stated to the Resident Commissioner that, as the expenditure under this head was of a special character, he thought it right for the Board to abstain in future from any engagements for establishing model schools in local districts until they had communicated with the Government, so that the grounds of the proposed expenditure might be known, and the Government might have an opportunity of submitting an Estimate to the House of Commons before the engagement was entered into. Thirty agricultural schools had ceased to receive money from the Board since January, 1859. Of these, five were model schools, six were ordinary schools, and the rest were workhouse schools. It would be satisfactory for the Committee to know that the reason why there was so large a diminution in the workhouse schools was, that the recent improvement in the condition of the people had removed from the workhouses the grown-up boys for whom those schools were originally established. With regard to the great model establishment near Dublin, no doubt, as

an educational establishment, it was an expense to the country and the pupils were a charge upon the Estimates. The arrangement now made was that the pupils at Glasnevin were to be selected by the inspectors from the schools throughout Ireland on the ground of merit, to be tested by examination. The object was to render the situation of an agricultural pupil at Glasnevin an object of ambition, and it was hoped that this competition would exercise a salutary influence throughout the whole of Ireland.

He would now inquire what were the results attained by the system of national education in Ireland. His right hon. Friend who moved the English Estimates the other night said that one of the disadvantages which the Education Committee had to contend with was the denominational nature of the English system, which led to the establishment of a larger number of schools in the same district than were required, and compelled the Government to contribute to more schools than the exigencies of the case demanded. No such evil, however, existed under the united system in Ireland. Taking into consideration the number of pupils trained, and the excellence of the education imparted, it would be found that, although the local contributions bore a much smaller proportion to the sum voted by Parliament in Ireland than in England, yet the Irish system of education was more economical to the country and not less beneficial to the community than the English. It afforded him much pleasure to state that within the last few years the local contributions had increased in a remarkable degree, showing a growing appreciation of and desire to benefit by the system among the people of Ireland. During the last year, the total increase in the number of schools had been eighty-eight, and in the average number of pupils in daily attendance, 3,112. The total number of pupils now receiving education on the national system was no less than 570,000. As he had lately on another debate gone into this subject at some length, he would not fatigue the House with many details. He wished, however, to invite attention to the remarkable and gratifying circumstance that the calculation which the Commissioners made in their first report, as far back as 1835, with regard to the number of children who would require the aid of the National Schools, had been amply fulfilled. They calculated that of

the whole population 1,140,000 would probably be between the ages of seven and thirteen; and that for at least half of that number education would have to be provided by the State. Notwithstanding that that calculation was made on an assumed population of 8,000,000, whereas the actual population of Ireland was only 6,000,000, it precisely corresponded with the number of pupils on the rolls of the National Board for the last year. That the benefits of the system were in the main diffused throughout the country in proportion to the requirements of the community, was proved by the returns. The number of pupils in the different portions of Ireland was as follows: Ulster, 189,000; Leinster, 142,000; Munster, 154,000; Connaught, 84,000. It was also found that in proportion to the manner in which the country was divided in a religious sense, so also did all classes participate in the benefits of the system. It would be remembered that it was with the express desire of carrying a sound and beneficial education into the homes of those whose circumstances rendered them most in need of the assistance of the state that the Commissioners and Committees had endeavoured to obtain the assistance of the state, and it was found that the proportion of Roman Catholic children in attendance at the schools established under the system was 478,000; of Presbyterians, 59,000; of the Church establishment (who for a long period had exhibited a greater determination to educate their own children than any other class of the community), 29,000, and of Dissenters 2,500. But then it was said, "You profess to give an united education, but your education, though nominally united, is practically separate." He denied that that opinion was supported by actual facts. Of 5,411 schools it appeared that 2,911, or 53 per cent were mixed schools, and that of the whole number of 570,000 pupils, 295,000, or 51 per cent, were found in mixed schools. If the inquiry were pursued further it would be found that exactly in proportion as the population was mixed so was the mixture of pupils in the schools. For instance in Ulster, where the population was most mixed, the proportion was 82 per cent; in Leinster, 39 per cent; in Munster, 31 per cent; and in Connaught, 44 per cent. These figures showed that the benefit of the system was universal, and that those who derived by far the largest proportion of it were those for whom it

was mainly intended—the children of the Roman Catholic population. But there were not wanting circumstances of great encouragement as to the other classes. Twelve months had scarcely elapsed since the Wesleyans—a body of men not very numerous, indeed, in Ireland, but very much respected in all parts of the kingdom—gave in their cordial adhesion to the system. Last Christmas the Church Education Society entered into communication with the Government for the purpose of obtaining some relaxation of the rules of the system, which might lead them to abandon the objection they had always theretofore entertained to participating in the benefits of the national education. Their proposal was to place the schools of the society, as to all secular matters, under the Board of National Education—to use its books, to be subject to its inspection, and in every way to conform to its rules, with the single exception that the Scriptures should be used in the education of all the children in attendance, the fullest notice being given to the parents and friends of pupils of the scriptural character of the instruction imparted. In reply to that proposal it became his duty to convey to the society the statement of the Government that two principles had long been recognized both by the Crown and by Parliament as the only principles applicable to the circumstances of Ireland in regard to religious and secular education. The first was that the education given during the school hours must be of so comprehensive a character as not to exclude pupils belonging to any of the Christian churches, and the second was that at the commencement or termination of the school hours the patrons of any schools were free to convey Christian instruction according to their distinctive tenets, provided that no child should be required to receive or to be present at any religious education of which its parents or guardians disapproved. These had been the cardinal and fundamental principles of the system which had been recognized in the Earl of Derby's letter, and in the Reports of the Commissioners, and to which successive Governments, under the sanction of Parliament, had from the commencement adhered. Under these circumstances, the Church Education Society, as a body, did not enter into connection with the system. The letter of the venerable Primate at the head of that body, however, would be

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in the memory of the Committee. Every one knew the deep respect with which every communication proceeding from that source was regarded, not only by the Church, but by the whole community in Ireland; and he could not but entertain the hope that when the momentary feeling had passed away the Church established in Ireland would not be behind the Roman Catholics or Presbyterians in availing themselves of that system of national education, which the liberality of Parliament had placed at the service of the Irish people.

Another communication was received by the Government, which was entitled, on every ground, to the greatest consideration and respect. It was a memorial from the Prelates of that Church, whose members most largely availed themselves of the advantages of the system. That communication asked for no less than this:—

“Such a participation in educational grants for the separate instruction of Catholic children as the numbers and fidelity of the Catholic people, as well as their contributions to sustain the burdens of the State, amply entitle them.”

It was scarcely necessary to say that that request was as incompatible with the fixed and cardinal principles of the system as the request by the Church Education Society, of which the venerable Prelate was the head. The Government, acting in the spirit and by the direction of Parliament, had no alternative but to return to that request a courteous, yet a firm denial. It was impossible for them to break down, or in the smallest degree to impair those great principles upon which the system had been founded, and upon which it could be alone maintained with efficiency. He had the honour of receiving a rejoinder to the reply, which it was his duty, on the part of the Government, to convey. The rejoinder was most courteous and most able. It was argumentative, and entered into the whole subject at considerable length, but it ended with a renewal of the same request, namely:—

“That the justice and necessity of our claims to a separate system of education for Catholic children shall be fully recognized.”

He ventured to submit to the Committee that it was by no means clear that, to any man, whatever was the Church to which he belonged, the gift of a separate system of education was a benefit or advantage. On the contrary, as a member of the Eng-

lish Church, he felt that the constant communication with their Roman Catholic and Presbyterian fellow-subjects—with those who were earnest in religion, but different in opinion—was a great advantage both in the cultivation of their intellectual powers and the expansion of their moral feelings. He felt that it would be a most pernicious gift to Ireland if they were to depart from the principles laid down in the first Report, which was signed by the Duke of Leinster, Archbishop Whately, Archbishop Murray, and Mr. Blake:—

“We have thus shown to all who choose to read our rules that while we desire to bring Christian children of all denominations together, so that they may receive instruction in common in those points of education which do not clash with any particular religious opinions, we take care that sufficient time shall be set apart for religious instruction; that the Ministers of God’s word of all Christian creeds shall have the fullest opportunity of reading and expounding it, and seeing that the children of their respective denominations do really understand it, not only weekly, but daily, if they think proper. It will be, as it always has been, our constant object so to administer the system as to make it acceptable and beneficial to the whole of His Majesty’s subjects; to train up and unite the youth of the country, whatever difference of opinion there may be, in feelings and habits of attachment and friendship towards one another, and thus to make it a means of promoting charity and goodwill among all classes of the people.”

That was emphatically the charter of the system, and from it he believed neither the Government nor Parliament would ever consent for one moment to depart.

There was another argument against a separate system of education in Ireland. In England the principal amount of money was locally contributed, the Government merely granting a sum in aid. By far the largest part of the money in Ireland was the direct gift of the State. It was, therefore, incumbent on the Government which received contributions from all to take care that advantage might be taken of that which they granted by every class in the community. With regard to the interests of the Roman Catholics themselves, he did not believe that the influence which they dreaded, of proselytizing on the part of powerful people, would be as completely excluded from a separate system, as under the authority of Parliament and by the power of the Government it was excluded from the national system. And, further than that, knowing what was the opinion which prevailed in this country with regard to religious endowments, he doubted whether in future years the continuance of

the grant would rest on that adamant foundation upon which he rejoiced to believe it did rest after the concurrence of Parliament, and the success of the system for thirty years, if it were to appear that these large sums of money were almost exclusively directed to the erection of buildings and the maintenance of teachers for only one portion of the community. He further doubted whether, in those parts where property and social influence were the subject of apprehension to the Roman Catholics, the dangers which they apprehended would not exist in a greater degree than at present, if a separate system were instituted in lieu of a united system of education. That which the Government of Sir Robert Peel stated to the venerable Primate of the Established Church, it was the duty of Her Majesty’s Government to state to the Prelates of the Roman Catholic Church. Writing to the venerable Primate in the year 1845, Sir Robert Peel said—

“I firmly believe that these questions would be asked were the Government to avow its intention of patronizing two systems of public instruction in Ireland, and that it would soon be discovered we must take our choice between the upholding and encouraging of a single system of instruction founded on the principles of that which is now receiving the sanction of the Government and the granting of public aid to at least three different societies in Ireland, by each of which secular instruction should be combined with religious instruction in the particular doctrine of each communion, one in connection with the Established Church, another with the Presbyterian, and a third with the Roman Catholic religion. In such a case all hope of mixed education must be extinguished, and a line of demarcation drawn between children of different religious persuasions more marked than has hitherto existed at any period. Her Majesty’s Government deprecate this result as a great public evil.”

What Sir Robert Peel, in answer to the head of the Established Church, deprecated in 1845, as a great public evil, Her Majesty’s present Government deprecated as no smaller public evil in answer to the Prelates of the Roman Catholic Church. As to one so to the other they returned the respectful but firm reply that they had inherited from former Governments, through the liberality and by the authority of Parliament, a system whose cardinal principles it was their duty and desire entirely to support.

But it had been said that Lord Stanley’s (the Earl of Derby’s) original letter had been departed from and changes had been made which infringed the cardinal principles of the system. He would admit that if he were to form his opinion from Lord

Stanley's letter he should suppose that the noble Lord originally contemplated a system different from that which had actually come into operation. He appeared to have contemplated joint patrons of different Churches applying for the same grant, schools generally vested and part of the teaching by the clergy of the different Churches. Those anticipations if they were formed had certainly not been realized. Neither joint patronage, vesting of schools, nor clerical teaching had been the general rule. It had been otherwise from the commencement. At the end of the first two years it was found that 700 schools were established of which only 70 were vested, and the remainder were non-vested. If it was supposed that instruction was to be exclusively religious at one period of the day and exclusively secular at another, a reference to the earliest history of the system would show that that supposition was founded on error. This was evident from a passage in the letter of Lord Stanley which was the document containing the direction under which the Roman Catholic Archbishop Murray and Mr. Blake consented to give effect to the system. That passage showed conclusively that the combined system, though not a polemical one, was meant to be Christian, and not merely secular. This passage was not in the first version, but the second version of the letter. It was a passage in which the Commissioners had acted from the commencement, and the fact of it being in the revised draught showed the importance which was attached to it, and gave it a still higher authority. This was the passage:—

"Although it is not designed to exclude from the list of books for the combined instruction such portions of sacred history or of religious or moral teaching as may be approved by the Board—it is to be understood that this is by no means intended to convey a perfect and sufficient religious education—or to supersede the necessity of separate religious instruction on the day set apart for that purpose."

A great deal of controversy had arisen on the point whether, for the attendance of children at the specially religious part of the education, it was to be the positive assent of the parents or their negative dissent which was to be required as the test whether or not the children of one Church should be permitted to be present at religious instruction given by teachers of another. It was his own individual opinion that if it had been an established

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rule from the first that a register should be kept of every child, and that according to that register the child should be permitted to be present or required to be absent, obeying the precise direction of the parents, no fair objection to such a rule could have been taken; but, as far as he could learn from the records of the system, and from personal inquiries from the officers of the Commission, no such rule had ever existed. The provision which was contemplated from the first for sustaining the parental authority of the parent, was laid down in an explanatory paper addressed by Lord Stanley to a deputation from the Synod of Ulster in these terms:—

"To introduce the reading or hearing of any such book during the ordinary school hours,—namely, those during which all the children of all denominations are expected to attend, would be a palpable violation of religious liberty of conscience. But there is not (or ever was) any objection to the reading of the Scriptures, or the giving of any other religious instruction, on days and hours to be specified by the local patrons, to those children whose parents choose that they should attend. Those days and hours, however, must be specified, in order to remove from the mind of the Roman Catholic parent the possibility of a suspicion that his children may be influenced to join in studies of which he does not approve."

The point to which he wished to direct attention was, that from the first a permissive notice and not compulsory exclusion appeared to be the sanction by which the authority of the parent was to be maintained. The first report of the Commission thus described the practice:—

"Such extracts from the Scriptures as are prepared under the sanction of the Board may be used, and are earnestly recommended by the Board to be used during those hours allotted to their ordinary school business. . . . Any arrangement of this description that may be made is to be publicly notified in the schools, in order that those children, and those only, may be present at the religious instruction whose parents or guardians approve of their being so."

And in their fourth Report, the Commissioners said:—

"The principle of the system, and which we consider fundamental and unalterable, is that the National Schools shall be open alike to Christians of all denominations; therefore, that no child shall be required to be present at any religious instruction or exercise, of which his parents or guardians may disapprove; and that opportunities shall be afforded to all children to receive separately, at particular periods, such religious instruction as their parents or guardians may provide for them."

But a still higher authority had spoken on

the subject. It had become necessary for Parliament to provide for the religious education of children in workhouses; and in making that provision he had no doubt that Parliament intended to apply the principle of the National Schools to the religious education in workhouses. This was the language of the Act:—

“No order shall authorize the education of any child in any religious creed, other than that professed by his parents, or surviving parent of such child; and to which such parents or parent shall object.

The inference which he drew from these passages was, that at that period the same amount of importance was not attached to the difference between the negative and positive assent in the direction of the parent as had subsequently arisen; and he also maintained that the public notice to the parent was the sanction by which the authority of the parent was intended from the beginning to be enforced. Whether it would have been wise or not to adopt a different plan, he would not now inquire; but, in point of fact, it would be an innovation if a rule were laid down which placed any compulsion by the patrons of a school on a child in reference to the observance of that requirement. When Archbishop Whately was examined before a Committee of the House of Lords, he said:

“If the children, with the consent of their parents, choose to attend, whether the parents are Protestant or Roman Catholics, the religious catechist has no business at all to inquire. He may give his instruction to all who choose to receive it. It has never been required by the Commissioners, nor ever contemplated, that a person shall be bound to inquire before he receives any child into his class for a religious instruction, what his persuasion is. He is allowed to give religious instruction according to his own principles to all the children whose parents choose that they should attend; and he is not bound to ask any questions—‘Are you a Protestant, or are you a Catholic?’”

A great deal had been said about the differences between the letters addressed to the applicant in the case of the Temple Meeting-house School, and the report of the Board, setting forth the terms on which the Correen School was taken into connection—one of which seemed to lay down the affirmative, and the other the negative assent. But these were both written by the same person, Mr. Blake; and they were treated by the Commissioners as being sufficiently on all fours for the purposes of their decision. On the whole, an examination of the various papers led

to this conclusion—that at first the same amount of importance was not attached to the difference between a positive and a negative assent, as was now attached to it.

He would next turn to another point of the case, and inquire whether the facts connected with the working of the National system justified the suspicion of proselytism in any part of Ireland. There were at present between 5,500 and 5,600 schools under the Board; of which, in round numbers, about 1,600 were vested and 4,000 non-vested. The real practical difference between vested and non-vested schools was that to a vested school the clergy of all denominations had that right of access plainly contemplated in the original letter of Lord Stanley, but which right was very rarely exercised; because it seldom happened where the patron was of one denomination, that the clergy of another attended to give separate religious instruction to the pupils. The returns of the last year showed that of the whole number of schools no less than 3,683 were under Roman Catholic patrons; of every 100 pupils 84 were Roman Catholics; of every 100 teachers 80 were Roman Catholics; and of every £100 paid to teachers, £80 was paid to Roman Catholics. That showed that by far the larger part of the benefits of the system was conferred, as it had been intended to be conferred, on the Roman Catholics. Of 478,000 Roman Catholic scholars, no fewer than 428,000 were in Roman Catholic schools. It only remained to account for the 50,000 Roman Catholic pupils in schools under the control of Protestant patrons. He believed it was admitted that no case of actual proselytism had ever been substantiated since the commencement of the National system; but the complaint was, that in certain parts of Ireland thousands of children were subjected to proselytizing tendencies. Now, in regard to the 50,000 Roman Catholic children receiving education in Protestant schools, for no less than 33,000 of them the Protestant patrons had appointed Roman Catholic teachers. That fact furnished no light testimony of the spirit in which Protestant patrons had acted in this matter. The remaining 17,000 Roman Catholic children were distributed in rather more than 800 schools, and amounted to about $3\frac{1}{2}$ per cent of the whole number of Roman Catholic pupils. Were these 17,000 children receiving an education which their parents would not wish them to re-

ceive? A most careful examination had been made by the Inspectors, the result of which was that the whole number who had joined in the Scriptural classes under Protestant teachers was only 1,816—a percentage almost inappreciable out of the entire 478,000 Roman Catholic children connected with the National system. A still more important fact had yet to be stated. Under the old modes of instruction which preceded the present system, the practice with regard to Roman Catholic children joining in the Protestant Scriptural education was quite different in Ulster from that which prevailed in the other provinces of Ireland. The National system, so far from having induced Roman Catholic children to join in the common education, under Protestant teachers, of a separate religious character, was annually producing the opposite effect, and the whole number of children so joining was constantly diminishing. The object, therefore, which the Earl of Derby had in view of excluding not only proselytism, but the suspicion of proselytism, was actually attained. There were altogether 91,000 Protestant children under the Board. Of these 15,000, or 17 per cent, were receiving their education under the control of Roman Catholic teachers. They were dispersed in 1,964 different schools, giving an average of seven for each school. The Roman Catholic children in Protestant schools, on the other hand, were dispersed in 800 schools, giving an average of more than 20 for each school. Assuming that the religious zeal of the teachers was equal on both sides, he asked whether the danger of proselytism was likely to be greater where the child was one of seven or one in 20 in a school, such school being subject to inspection, and it being the particular duty of the inspector to prevent such practices. If, then, there had been no individual case of proselytism proved, or even specifically alleged, in the case of Roman Catholic children; and if no apprehension of it existed in the case of Protestant children, the success of the system must be placed beyond dispute? Well, was this a system which made the people of Ireland indifferent to their religion? Would anybody say that the language of the resident Commissioner was not true when he said that never was there a time in which the religious feeling of the Irish people was stronger or more profitable for good than at the present time? Could anybody say that the operation of the National sys-

tem had been to undermine the faith and disturb the religious convictions of the population of the country? On the contrary, he believed with those who had watched the working of the system narrowly, that there never was a time, either as regarded the Protestants or Roman Catholics, when religious feeling burned more brightly in the bosoms of the Irish people. But the attention of the Board had been called to the circumstance that the distribution of the inspectors was not deemed altogether satisfactory, and an alteration had accordingly either been or was about to be made in that particular, in order that, by sending the Roman Catholic inspectors into the districts in which they were in a minority, security might be afforded that in no case could abuse arise without its coming to their knowledge. He maintained, then, from the history and practical working of the system, that it could not be charged with introducing that proselytism, or suspicion of proselytism, which it was its object to prevent. On the contrary, it had given a sound Christian instruction of an united character to the population, and had imparted to them as mixed an education as the circumstances of Ireland entitled us to expect. But, while that was his opinion, and while the Government had declared their firm and unalterable attachment to the principles upon which the system was founded, they had also expressed their readiness to examine the system for the purpose of seeing whether any alteration ought to be made.

There were one or two points in which the Government thought some change would be right, and advantageous to the system itself. They believed, in the first place, that the constitution of the Board was a matter of great and just objection to Roman Catholics. They thought that, the Roman Catholics having so large a proportion of pupils, and having so great an interest in the well-being of the system, it would be reasonable that their number at the Board should be raised to an equality. The principle of equality had already been admitted by former Governments in regard to the inspectors and the administration of the system, and he did not understand why there should be any difficulty in carrying into effect the same principle of equality in that which was, after all, the great and important governing body of the whole. No member of any Church could say that it was unreasonable to provide that the number of Roman Catholic members of the

Board should be equal to that of their Protestant brethren. A question had also been raised with regard to the vesting of the schools. Originally the schools were vested, as in England, in trustees, and there appeared to be no reason why, instead of being vested in the Board as a corporation, the schools assisted by the State should not be vested in trustees, the terms of the trust-deeds being such as to secure the observance of the two cardinal principles of the system in a manner satisfactory to the Board and their legal advisers. Again, a great desire had been expressed for a revision of the books. He believed the books had fulfilled in the main the recommendation of the Commissioners in 1825—a recommendation which Archbishop Murray and his colleagues had made their own by adopting it in their second report, where they said:—

“In such selection of books for the new schools we doubt not but it will be found practicable to introduce not only a number of books in which moral principles will be inculcated in such a manner as is likely to make deep and lasting impressions on the youthful mind, but also ample extracts from the sacred Scriptures themselves, an early acquaintance with which we deem of the utmost importance, and, indeed, indispensable in forming the mind to just notions of duty and sound principles of conduct.”

It was not the intention of the Commissioners, and it certainly would not meet the approbation of Parliament, that in any revision of the books the religious element should be impaired. It was intended that the Christian teaching which did not clash with the distinctive opinions of the Churches should continue to pervade the books which constituted the ordinary instruction of the system, giving to the united youth of Ireland that common Christian impulse from their earliest years which would make them good members of society and happy in themselves. The use of the books was not compulsory, because there was now an option to use other books, provided they had the sanction of the Board. He believed, however, they were used throughout the country to an extent which could scarcely be exceeded if their use was compulsory, and they were also to be found in the Colonies and wherever the English language was spoken. Nevertheless, it was the opinion of the Resident Commissioner and others that after so long a period some change might well be made, in order to render the books more suited to the advances which had

been in various branches of knowledge, since they were drawn up, and also more acceptable to the Irish people. There was, for example, an almost entire absence of all reference to subjects of Irish interest, and he thought it would be easy to introduce much in connection with Irish topics without importing at the same time anything either of a polemical or a political character. It was the intention of the Commissioners to appoint a Committee of their own body for the purpose of revising the books in the spirit he had indicated.

There was another point to which he wished to refer. In various mountainous regions of Ireland the rule which required an average attendance of thirty before assistance could be received from the State operated prejudicially and unjustly, and a change in that rule would likewise be found convenient in the case of those schools which might be expected, in consequence of the Primate's letter, to place themselves for the first time in connection with the National system. The Commissioners proposed to establish a rule which, while it might lead to some increased expense, would do justice to the smaller schools throughout the country. There were some other minor points upon which he had been requested to intimate an opinion, although the Government were not prepared to recommend any change with respect to them. One was better provision for separate religious teaching. If by that was meant that the same access to non-vested schools should be given to clergymen of all denominations as was now enjoyed in the case of vested schools, he was afraid that it would be difficult to meet a proposal of that kind with an answer in the affirmative. Objections would be raised on both sides, and such an alteration would tend rather to undermine the system than to add to its efficiency. It had been said that the rule with respect to worship allowed in schools, though equally applicable to all, was in its operation unjust. That rule had two aspects. With regard to vested schools the intention of Parliament as he understood it was that no public aid should be given towards the building of an edifice which, while nominally a school, was really a place of worship. The case of the non-vested schools was somewhat different; and with respect to them it would be for the Board to consider whether any alteration could be introduced with ad-

vantage, rather than for the Government to make a change which might be productive of evil. So with regard to the assistance given to nuns' schools. The allowance had recently been increased, and the Board might go further in the same direction if they thought fit. But all amendments of the system in these and other respects turned upon the composition of the Board. As the schoolmaster was the essence of the school, so the Board was the life of the entire system, and the principle which the Government upheld was that the Roman Catholics were entitled to an equal share of representation at the Board. That once settled most of the other changes would naturally be left to the discretion of the reconstituted Board. He had only to say in conclusion, that in dealing with this most difficult subject the Government had endeavoured to do that which was just, and had given to it all the consideration in their power with a view to the attainment of that object. By difficulties this system had been surrounded from its earliest hour. Those difficulties it had surmounted year by year; it had gained greater power and greater influence with the people whom it was designed to serve. With difficulties he feared that it would always more or less have to contend, but those difficulties would, he believed, diminish in proportion to its growth, and it would owe its maintenance and preservation to the firm support which it had received from the House of Commons, to the strong and growing desire of the people for the excellent education which it supplied, and he sincerely hoped to the moderation of those who had influence over the people of Ireland, from which it had derived so much advantage, and to which it had in a great degree been indebted for its development. The right hon. Gentleman concluded by moving the Vote.

MR. MAGUIRE: I must admit, Sir, that the right hon. Gentleman the Secretary for Ireland has treated this subject with the gravity which it deserves; for it is a subject which is one of the most important to the interests, the welfare, and the social happiness of Ireland, and one, too, which enlists the sympathies and commands the attention of all classes of the community. I cannot undertake to say at the present moment, how far the changes now proposed by Her Majesty's Government will, or ought to, satisfy the Catholic people of Ireland; but if I may venture

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to express my individual opinion, I hold that the Commissioners have, by maladministration and by unworthy weakness; by fatal concessions on the one hand and stern rigidity on the other, so compromised themselves and got the whole system into such a wretched and irretrievable mess, that there is only one mode of solving the difficulty—namely, by boldly cutting the Gordian knot, and changing the system from a mixed or united system, to one separate or denominational.

Before I proceed farther, I desire to be clearly understood on one point. I am not opposed to, but on the contrary, in favour of, the machinery of a National system for the education of the mass of the people. By that I mean a central and controlling body, administering the funds provided by the State in aid of local efforts, and securing to the State and the country, by a well organized plan of inspection, that the funds so provided shall be really applied to the benefit of those for whose advantage they are contributed. To the educational machinery of the National Board I am not opposed; but to the principle of the existing system, of which we now have had an experience of thirty years, I decidedly am. I readily admit that this educational machinery has done enormous and incalculable good; I admit that it has been of immense advantage to Ireland; but I am prepared to show that it is not the mixed system which has done that good, and conferred that benefit,—that, on the contrary, where the mixed system really exists, which is in only one of the four Provinces of Ireland, it has been productive of disputes and contentions, of rancour and ill-feeling, of aggression on the one side and resistance on the other. Such were the evils resulting from the mal-administration of this system, that I felt it my duty to call the attention of Parliament to their existence in the Session of 1858; and it is only now that the Government seem to have roused themselves to attention, and propose changes when perhaps it is too late to effect any real good. What is the history of the system of National Education in Ireland? The Royal Commission of 1812 recommended the adoption of a system of education “from which should be banished even the suspicion of proselytism.” In 1828 an exclusively Protestant House of Commons declared—

“That no system can be expedient which may be calculated to influence or disturb the peculiar

religious tenets of any sect or denomination of Christians."

In the system established by Lord Stanley, in 1831, it was provided that while moral and literary instruction might be given in common, religious education was to be given separately, and that it was to be such as was approved of by the clergy of the respective persuasions of the children—thus fully recognizing and acknowledging the pastoral authority, which the Commissioners have since ignored, and against which they have set up what they term "parental authority"—which, so far as it is capable of affording protection to Catholic children in the school of an aggressive patron, is a mere sham and a delusion. In his celebrated Letter of 1831, which may be termed the charter of the National System, Lord Stanley gave the Catholics of Ireland this assurance—

"That while the interests of religion are not overlooked, the most scrupulous care should be taken not to interfere with the peculiar tenets of any description of Christian pupils."

From the first moment of its formation the Board—consisting of a Protestant majority—commenced that system of modification, adverse to Catholic interests, which has been persevered in to this hour. Yes, from the very moment the Commissioners found themselves secure in their seats, and felt they had acquired sufficient strength, they began to nibble at, alter, and modify the original system, so that it gradually, year after year, became adverse to the interests of Catholics, and favourable to those of the other denominations? The right hon. Gentleman the Secretary for Ireland states that the books are to be revised. I ask, is not that practical admission of error on the part of the Commissioners a triumphant answer to those who have raised a howl against the Catholic Bishops, because of their objection to these books, as being Protestant in their character, in their tone, and in their tendency. I shall proceed to show what is the real nature of the books of the National Board, and in doing so I shall quote a passage from the rejoinder of the Bishops to the answer of the Government; and for that document, emanating as it does from the united Prelacy of the Irish Church, I am not afraid to challenge the keenest scrutiny of any hon. Gentleman in this House—for a more able, temperate, argumentative, and conclusive statement, I certainly have never read. This is the description given by the Catholic Bishops of books

which are mainly intended for the use of the Catholic children of Ireland who constitute the six-sevenths of the pupils under the National Board:—

"As to the other books in general use in the National Schools, they contain much matter in the nature of combined religious instruction—at once exposing Catholics to danger, and opposed to the principle you lay down. Though destined principally for Catholic use, all those books, in as far as they treat of history, philosophy, morality, and devotional matters—(and all these subjects are introduced into the National School books)—have been compiled by Protestants, who give an anti-Catholic colouring to their pages, omitting matters considered necessary by us, and insinuating or teaching dangerous errors. For example, where there is question of sin, the Catholic doctrine of contrition and confession is passed over, and something else suggested in its place. Private judgment is referred to, where we appeal to Ecclesiastical authority, and the Scriptures seem to be made the only rule of faith, to the exclusion of the decisions of the Church of God. In the historical chapters there is no mention whatever of the Holy See and its beneficial influence on religion; so that after going through the whole course, a child would not know that there was a Catholic Church in the world, or that the great majority of the people of Ireland, and of all Christians were Catholics. Indeed, the history of our country and of its religion is altogether omitted; and the compilers of the National School books appear to have determined to leave the rising Catholic generations in Ireland without any knowledge of their forefathers in the faith, and without any traditions whatsoever of country or family to console, to cheer, and to excite them to virtue."

The first paid Commissioner, Dr. Carlisle, a Scotch Presbyterian, prepared, for the use of Catholic children, certain school books, amongst these *Scripture Lessons*, and *Sacred Poetry*. The lessons were selected exclusively from the writings of Protestant and Presbyterian divines, and the poetry was equally selected from the works of Protestant and Dissenting authors. Previous to 1853, the objection of any one parent to the use of these books by his children, banished them from the school; but, since then, the rule—which, like all other rules, has been relaxed in a spirit adverse to Catholics—restricts their use to those children whose parents do not object to them. They are used in the majority of the model schools, in which the authority of the pastor is set at defiance, and that of the Government, or the Board, is supreme. They may be used in the schools of Protestant and Presbyterian managers, of mixed schools, and in that case they can be, and are, explained to Catholic children in an anti-Catholic spirit. These books, I say, cannot now be banish-

ed from a school, as a portion of combined instruction, so long as a single pupil does not object to use them. In the year ending March, 1853, these *Scripture Extracts* were read, as a portion of combined instruction, in 1804 schools—or 42 per cent of all the schools in Ireland. The majority of these schools were under Protestant teachers, and were attended by thousands of Catholic pupils. “The Supplement to the Fourth Book,” say the Board, “contains several essays on religious subjects by Archbishop Whately, and other eminent divines.” Let us now see the use that can be, and is, made of these books in mixed schools. “During the lessons,” says the mistress of a Belfast Female National School (quoted by the Rev. Mr. Campbell, in his evidence in 1854, “During the lessons from the ordinary books of the Board, opportunities do occur which can be, and which are, taken advantage of, to instil religious instruction without suspicion.” “She added,” says Mr. Campbell, “who is to take notice of this?” “The ordinary books,” Mr. Campbell states, “contain religious instruction of a certain character, and to a certain amount, sufficient to give a teacher an opportunity of branching off from it, and giving peculiar religious instruction, if so disposed.” And yet, notwithstanding evidence like this, those who denounced this system of instruction were stigmatized as bigots and fanatics, and the enemies of education. As to separate religious instruction, the original rule was, that—

“One or two days in the week be set apart for giving, separately, such religious education to the children as may be approved of by the clergy of their respective persuasions. The Commissioners will also permit and encourage the clergy to give religious instruction to the children of their respective persuasions, either before or after the ordinary school hours, on the other days of the week.”

Liberty was secured to the pastors of the children to assemble their respective flocks in the school-room if they saw fit. The Presbyterians, at the Synod of Ulster in 1843, for their own purposes, attacked this principle of the right of the clergy to decide as to the religious teaching to be given to the children of their own flock; and the Board, yielding to the pressure, substituted the principle of parental authority in its stead. The original rule, or guarantee, was thus alluded to by an eminent Prelate of the Catholic Church, who is often quoted in vindication of the National system:—

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Dr. Doyle, in a circular, dated 26th December, 1831, says:—

“These terms are not, perhaps, the very best that could be devised, but they are well suited to the especial circumstances of this distracted country. They provide for the religious instruction of children by their respective pastors, or persons appointed for that purpose by them, as often as those pastors can deem it necessary. This instruction shall be given on one or two days in the week, and may be given, as I hope it will, every day.”

In 1837, the Rev. Mr. Carlisle and Mr. Blake both state that the school-houses should be granted for separate religious instruction; that a religious body—meaning nuns or monks—would be bound by the rules to give their school for the purposes of separate religious teaching to Protestants; that an engagement to this effect was required from all without distinction; and that if they refused they would be struck off the list. This rule was opposed by the Presbyterians, and several of their schools were withdrawn in consequence. It continued in force till 1840, when it was rescinded. As to the time for giving religious instruction, the Board abandoned the day (exclusive of Sunday), and changed it to part of a day, and then gave that up to conciliate the Presbyterians, whose object was to exclude the priest from all access to Catholic children in non-Catholic schools. This was in 1840. In that object they have entirely succeeded; for I challenge the Attorney General to mention a single school under Presbyterian teaching, and in which there are Catholic children, to which a Catholic priest is admitted for the purpose of giving religious instruction to those children. Where, then, is the guarantee given to the Catholics of Ulster in the Letter of Lord Stanley and by the original rules of the National Board? It has been yielded to the resistance of one of the most aggressive and anti-Catholic of all denominations, by the cowardly weakness of the Commissioners. I now come to a most important feature in this case, and will proceed to show how the Commissioners have altered one of the fundamental rules of the Board to the prejudice of Catholics. I refer now to the substitution of exclusion for non-compulsion. The Secretary for Ireland has dealt with this question; but I must confess, so did he refine and split hairs on the “positive” and “negative” interpretation of the rules, that, had I not a clear light to guide me through the labyrinth, I should be utterly bewildered by his ingenuity. I shall

not indulge in hair-splitting or special pleading, but I think I can prove by the clearest evidence that the original rule was an honest protection to the helpless child and the ignorant or dependent parent, and that the altered rule is an utter sham. I assert the original rule was to exclude children of a different denomination during religious instruction. In 1833, the Board thus reply to an application from the Rev. Mr. Love, of the county Armagh:—

"The Commissioners desire me to observe that it is of the essence of their rules that religious instruction should be given only at the time specifically appointed for that purpose; and that children whose parents do not direct them to be present at it, should previously retire."

There is no refining here—everything is plain and honest. Later in the same year were issued the Regulations and Directions; and under sec. iii, rule 4, it was ordered that—

"Any arrangement for religious instruction that may be made is to be publicly notified in the schools, in order that those children, and those only, may be present at the religious instruction, whose parents and guardians approve of their being so."

Up to December, 1839, patrons of schools applying for aid had to give an answer in the affirmative to the following query:—

"Will you take care that no children be present at any religious instruction or exercise, except those whose parents consent to their being present?"

In 1837, Mr. Blake, in allusion to this rule, says:—

"Our object is, in short, both with respect to Protestants and Catholics, to prevent tricking the children of one communion into attendance when religious instruction is being given to the other. Our rule is, they shall go away."

And the Rev. Mr. Carlisle says:—

"The view of the Board was, that when religious instruction was going on of the one party, there were to be no others present."

Who can deny that this was the meaning and object of the rule? This is set forth in the original trust deeds and bonds by which the legal tenure of the schools built by them was held. Again and again is this precautionary rule re-affirmed and set forth; and in 1838, the Commissioners of Education, alluding to the clause in the Poor Law Act, by which Proselytism is effectually guarded against, state:—

"N.B.—The principle of the Commissioners as to religious instruction is the same as that laid

down for education in the workhouses, by the Act for the more effectual relief of the Destitute Poor in Ireland, 1 & 2 Vict., c. 56, s. 49:—'And be it enacted, that no order of the Commissioners, nor bye law, shall authorize the education of any child in such workhouse in any religious creed other than that professed by the parents or surviving parent of such child.'"

Again, in 1840, the principle enunciated in 1833, in answer to the Rev. Mr. Love, is emphatically referred to and reiterated. And in 1841, they inform Lord De Grey that—

"The days and hours for religious instruction must be specified, in order to remove from the mind of the Roman Catholic parent the possibility of a suspicion that his children may be influenced to join in studies of which he does not approve."

I say the rule so often laid down, so often re-affirmed, and so often explained, was a fair and honest guarantee, one conceived in a loyal and generous spirit; and if the mixed system were to be the only system of the country, and if the books were such as could not be objected to by Catholics, then Catholics, when compelled to attend a mixed school, would enjoy as much protection as it was possible they could have under a system of the kind. Let us now see the manner in which this protection was surrendered by those whom the State appointed to be the guardians of this great educational system. In 1847, the Commissioners, then incorporated by charter, believed themselves to be in a position to make a radical change in this their fundamental rule, which involved, as they said, the vital "essence" of the principle of separate religious education, and they did so with the view of conciliating a certain party, and adding an additional feather to their caps. The Catholics of Ireland had made the system what it was; they made it by prodigious sacrifices—the same sacrifices, as I can prove by official documents, as are this moment being made by the Catholic clergy and people in the poorer districts of this country, in order, with the miserable assistance afforded by the State, to give the blessings of a good education to the most needy and destitute of the population. The Catholics of Ireland were those who made the National system, who gave it strength, and form, and power; others assailed, or sought to undermine it. The Commissioners felt they had the Catholics in their hand, at their mercy; and it was in the year when famine prevailed in Ireland, when the first thought of the population was how to procure the

first necessities of life; it was then the Commissioners yielded to the importunity of Archdeacon Stopford, and gave up the very essence of the system at his bidding. To propitiate him and those he represented, they gave to the rule the desired gloss, substituting non-compulsion for positive exclusion. Is there any doubt as to the fact? If so, there is evidence which will bring conviction home to every mind that is not closed against the truth. Archdeacon Stopford is examined in 1854, when he says:—

"Previously to 1847, I did not think myself justified in joining the Board. The objection, in point of principle, which I had was to the rule which appeared to me to require that the patron of a school should be made the instrument of a parent, in removing children from religious instruction. * * * I do not conceive that I laboured under any misapprehension. I did not put a different interpretation on the rule to that which was given by the Board—the rule was altered to meet my views."

Mr. M'Cready is asked, in 1854, as to the rule in question:—

"What was the practical construction? Was it left practically to the teacher to put them out, or was it left to parental authority to enforce itself?"

He thus replies:—

"My opinion is, that for a long period it was understood that the obligation lay upon the patron and upon the teacher of the school to put out the children."

He is asked:—

"Do you believe that this modification, or this explanation of the meaning of that ambiguous rule, with reference to the attendance of the children has met with universal satisfaction?"

I beg the Attorney General's attention to his reply, which puts the matter in the clearest light:—

"It has very generally satisfied the Protestants, and it was, I may say, at their instance it was so explained; but I do not think that it is perfectly satisfactory to some Roman Catholics. If they were consulted (which they were not), I believe they would recur to the old interpretation put by some upon the rule, that the children, whose parents do not personally approve of their being present, should not be allowed to remain during the time of religious instruction."

In the rules re-cast in 1855, it is distinctly laid down that patrons, managers, and teachers are not required to exclude any children from instruction given in the school; but the children "may withdraw," and parents are to adopt measures to prevent their attendance thereat. Archdeacon Stopford declares, in 1854, before a Committee of the other House of Parliament,

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that this rule was altered to meet his view, and Mr. M'Cready admits the very same; and yet the Secretary for Ireland gravely assures us to-night, as he did on a former occasion, that the fundamental and cardinal principles on which the system was originally established had never been departed from, never radically altered. I assert, on the contrary, that these fundamental principles have been disgracefully departed from; and the hour of weakness, when the Catholic population had scarcely any thought but for self-preservation, was the time chosen by the Protestant Commissioners, who rule the Board, to strike the blow. No change in the "cardinal" principles of the system! Was there no change when the clear and plain honest rules which compelled exclusion from religious teaching of an adverse nature was abolished, and patrons, managers, and teachers were told that they were not required to exclude any child, and that retiring or remaining was left to the child, or to the child's parent? Left to the decision of poor helpless children, as powerless as susceptible of dangerous impressions; left to their parents, who may be poor labouring men, either totally ignorant, depending upon the patrons of hostile schools, or only thinking of how they are to live? The honest vigilance guaranteed by the State is thus abandoned, pastoral control is ignored, and parental authority—for which Mr. M'Cready is so solicitous—is established in place of both. Let us now see how this change, which we are told is no change, really works. The Archdeacon states, in his evidence, that all the Catholic children in his school always attended the religious instruction, which consisted of "reading and explaining the Scriptures." Mr. M'Cready says, in 1854, in answer to the question whether Catholic children are directed to withdraw, by putting up the board giving notice when the Bible is used:—

"It is required by the rules of the Board that they should have such notice given them, but not that they should be directed to withdraw."

He adds:—

"In many parts of the North of Ireland the Roman Catholics read the Scriptures with the Protestants and Presbyterians."

The "non-exclusion" rule is thus further described:—

"It is not required by the rules of the Board for the teacher or the patron to do anything more than put up the tablet, the children being left to

themselves to withdraw or not to withdraw, as they think proper."

Dr. Cooke, of Belfast, having been asked whether in the Presbyterian schools there were Roman Catholics as well as Protestants, answered in the affirmative; adding, that in all all those schools the Roman Catholic children remained during the time of prayer, and were not only present at the reading of the Scriptures, but read them as other children did; and he went on to say that the existing, as compared with the Kildare Place system, was productive of much good, the use of the Catechism being allowed within school hours under the former, while it was prohibited under the latter system. Similar evidence had been given by the Rev. Mr. Campbell with respect to fifty-five schools in and near Belfast; other witnesses stated that the Presbyterians were connected with the National Schools on their own conditions. Dean Kennedy, in his evidence, acknowledged that Roman Catholic children were receiving a great amount of Scriptural education in his schools, and wound up by declaring that he thought the principles of the National Board were the principles of the Reformation. Here, then, we are told—not by Catholics, not by Catholic Bishops, but by Protestant and Presbyterian clergymen—that, under the protecting shadow of this National system, from whose cardinal principles the Irish Secretary assures us there has been no departure whatever, they can impart religious teaching to Catholic children more fully and effectually than under the Church Education Society, or under the Kildare Place System—that which stunk in the nostrils of a past generation. "The principles of the Reformation!"—these are the principles in which a Catholic people are educated, under a system which was not to be tainted by "the possibility of the suspicion of proselytism." The right hon. Gentleman glanced very lightly at the fact that 1,800 Catholic children, as he said—the number being nearer to 2,400—were receiving religious instruction, in violation of the "fundamental and cardinal" principles of the National System, in the Presbyterian and Protestant schools in the North of Ireland. I ask, is not this single fact, not to say a departure from the original principles, but a violent rending asunder of the entire system as founded by Lord Stanley? Separate religious teaching was solemnly guaranteed to the Catholics of Ireland; and upon that guarantee

they placed a generous confidence in the system; and yet we have the official organ of the Government openly admitting that 1,800 Catholic children are now receiving religious instruction from those who are hostile to the religion and the Church to which these children belong. The Presbyterians of Ulster have very strong religious opinions; and I feel sure they are sincere in their belief, and in their maintenance of them; but they are the most aggressive against the Catholic Church, and most intolerant towards its doctrines. In fact, they deal with religious questions, especially those affecting their Catholic brethren, in a spirit of acrimony and sectarian malice that is, in my opinion, a scandal to Christianity. And yet the Commissioners allow teachers of this violent and aggressive character to explain the sacred Scriptures to Catholic children. But am I to take these figures, or any figures given to us by the Commissioners, as conclusive on any point? When the right hon. Gentleman makes a statement upon his own personal knowledge, I am perfectly ready to believe in his accuracy, and to rely implicitly upon his honour and truthfulness; but I am not prepared to extend the same degree of confidence to the Commissioners, because they have been already guilty of what I hold to be a scandalous fraud and an abominable cheat [Oh, oh!] I repeat, a scandalous fraud and an abominable cheat—and I use the terms advisedly, and will proceed to justify them. What are the facts? Mr. Keenan, one of the Head Inspectors, after having officially visited certain districts in Ulster, made his report to the Board. In that report, which, like other documents of the kind, was intended for the instruction and guidance of Parliament, and the information of the country, Mr. Keenan stated that Catholic children in great numbers were attending religious teaching in the Presbyterian and Protestant schools of that province. And what, let me ask, did the Commissioners do on receipt of this information—information of the highest value to Parliament, to the country, to the Catholics of Ireland? They presented the report of their Head Inspector to the Houses of Parliament; but they first took care to tear out the page which contained this startling and all-important fact. I first mentioned this scandalous conduct in this House in 1858, and it was scarcely credited by some hon. Gentlemen, so monstrous did it seem to them; but my right hon. Friend, the Member for Lime-

rick (Mr. Monsell), moved for a copy of the passage of the report not given by the Commissioners, and the return was granted. The Catholic Bishops refer, in their able Rejoinder, to the mysterious omission of the passage, which they quote as follows:—

“In all the schools which I visited in Belfast that were taught by Presbyterian teachers, the practice prevailed of giving common religious instruction to all—none of them retiring. Indeed, it is pretty general throughout the counties of Antrim and Londonderry; but I never observed it to prevail in any other part of the country. By this practice, religious instruction is separate as to time, but not as to the distinction of the denominations whilst religious instruction is going on. I have brought these different practices already under the notice of the Board in my ordinary reports.”

What is to be thought of educated and accomplished gentlemen who are guilty of so gross a breach of official duty—of so paltry a cheat upon the confidence or the credulity of a people? Why, Sir, if a miserable bankrupt or insolvent tore out of his account-books a page which he wished to conceal from the Court, he would be remanded for six months. And yet we are told to place confidence in the figures and statements of gentlemen who deliberately concealed a fact of this magnitude from the knowledge of Parliament and the country. Mr. Keenan reminds the Commissioners that he had already brought these practices under their notice in his ordinary reports; but their answer is—an official extinguisher on the truth, too dangerous to be made known to the Catholics of Ireland. Therefore, when the right hon. Gentleman asks me to trust the figures of the Commissioners, my answer is this—would not men who are proved to have acted in the manner I have described, also condescend to “cook” statistics? I, for one, can place no faith in any statement made by the Commissioners.

I now come to the question of proselytism, upon which I desire to be clearly understood. I am prepared to admit that no Roman Catholics have been made Protestants or Presbyterians under the present system; but I am not so much of a bigot as not to be of this opinion—that it would be much better that they should become good Protestants or good Presbyterians, than that they should grow up unbelievers and contemners of everything sacred; and the most effectual way to bring about this fatal condition of indifference or infidelity, is to undermine, while they are young and impressionable,

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their belief in the truth and holiness of the religion in which they were brought up, and which their parents professed. I assert there is that which every Christian man must hold to be far worse than change of faith—that is secret contempt for every form of religious belief; for once bring a person to think that what he has been taught to respect in his childhood as sacred is a falsehood and an imposture, and what has he to rest upon?—what trust can he have in himself, or what trust can others have in him. The Bishops thus allude to this subject in their Rejoinder:—

“When we speak of proselytism, we do not mean that those who are exposed to it always openly change their religion. We speak of the dangers to faith, and of the lessening of faith by attending at anti-Catholic instruction. A person may be inspired with feelings of deep hostility to his Church without wishing to abandon it.”

Indifferentism is the very least evil which can spring out of this adverse religious teaching; and this is a state of mind in which I feel assured no hon. Gentleman would wish to see the youth of the country grow up. The great majority of the people of Ireland are Catholics; and would it not be the greatest curse that ever befel that country if, through this system of so-called national education, any considerable number of them should be taught by Protestant teachers to despise their own religion, and should become infidels and unbelievers.

I now come to the model schools, which are at this moment being forced upon Catholic districts, against the expressed wishes, and in face of the strenuous opposition, of the Catholic Bishops. They are now being forced upon the Catholic towns of Sligo and Enniscorthy, notwithstanding the denunciation of the Bishops of the diocese; and the right hon. Gentleman well knows that another is being forced upon the Catholics of Cork, although the Right Rev. Dr. Delany, the Bishop of Cork, has strenuously protested against it. The Secretary for Ireland has, no doubt, acquired very extensive knowledge of the country since his official connection with it; but he must necessarily be a stranger to it when compared with the Catholic Bishops, who know what is best for the interests of their flocks, and from what quarter dangers are to be apprehended. He is not, like them, authorized to speak in the name of the Catholics of Ireland. What do the Bishops say with respect to those model schools, and the manner in

which they are conducted? As regards the model schools, they say, in their Rejoinder, that they cannot concur in the praise of their impartiality—that in the infant schools the teachers are frequently persons who cannot fail to give an anti-Catholic bias to their little pupils; and with regard to the great model and training institution in Marlborough Street, where, above all places, justice and impartiality was to be expected; in this institution the Catholic children were seven times as numerous as the Protestant, yet the teaching body were for the far greater part Protestants; so that the future fate of the Catholic religion in Ireland, as far as regarded the future instructors of its youth, was left in great part to the mercy of men who perhaps swear that it is idolatrous, or are ignorant of its tenets. Would any Protestant fellow-subject, say the Bishops, if the case were reversed, tolerate this system for a day?

It may be asked—indeed it has been asked—why have the Catholic Bishops refrained till now from solemnly protesting against the mixed system of education? My answer is, they have frequently protested against the encroachments of the Commissioners on the original system; and if they have not condemned the system in the same emphatic terms which they have lately done, the fault does not lie with the Bishops, but with the Commissioners, who have so cooked their reports—as I have shown they have done in the case of Mr. Keenan's—that they have literally hoodwinked their eyes. I shall now proceed to show that the Bishops have been at all times consistent in their demands, and in the terms on which they sought or consented to accept the assistance of the State. When the Kildare Place system became so odious as to be no longer tolerated, and it was found necessary to substitute a new system, one which should be conceived in a different spirit from all that went before it—which were, in fact, but so many foolish attempts to realize the cherished idea of changing the faith of the Catholic population of Ireland—the new scheme was submitted to the Bishops, who were asked to state, for the information of the Government, their views upon the subject. Amongst the resolutions adopted by the Bishops, as their answer to the application of the promoters of the plan submitted to them, were the following, which date so far back as January, 1826:—

"I. Having considered, attentively, a plan of National Education which has been submitted to us—Resolved, that the admission of Protestants and Roman Catholics into the same schools, for the purpose of literary instruction, may, under existing circumstances, be allowed, provided sufficient care be taken to protect the religion of the Roman Catholic children, and to furnish them with adequate means of religious instruction.

"II. That, in order to secure sufficient protection to the religion of Roman Catholic children, under such a system of education, we deem it necessary that the Master of each school, in which the majority of the pupils profess the Roman Catholic faith, be a Roman Catholic; and that in schools in which the Roman Catholic children form only a minority, a permanent Roman Catholic Assistant be employed; and that such Master and Assistant be appointed upon the recommendation, or with the express approval of the Roman Catholic Bishop of the diocese in which they are to be employed; and, further, that they, or either of them, be removed upon the representation of such Bishop. The same rule to be observed for the appointment or dismissal of Mistresses and Assistants in female schools.

"III. That we consider it improper that Masters and Mistresses intended for the religious instruction of Roman Catholic youth, should be trained or educated by, or under the control of, persons professing a different faith; and that we conceive it most desirable that a male and female Model School shall be established in each province in Ireland, to be supported at the public expense, for the purpose of qualifying such Masters and Mistresses for the important duties which they shall be appointed to discharge.

"IV. That in conformity with the principle of protecting the religion of Roman Catholic children, the books intended for their particular instruction in religion shall be selected, or approved by, the Roman Catholic Prelates; and that no book or tract, for common instruction in literature, shall be introduced into any school in which Roman Catholic children are educated, which book or tract may be objected to, on religious grounds, by the Roman Catholic Bishop of the diocese in which such school is established."

The Bishops, as these resolutions show, tolerated the mixed system on the terms proposed, and apparently ratified by the Government; and I could prove, by reference to resolutions adopted repeatedly since then, from the year 1826 to the present time, that the representations and objections of the Bishops on those material points have never varied. The system adopted in the model schools, in which ecclesiastical authority is ignored, or openly set at defiance, is a direct violation of the principles for which the Bishops have consistently contended; and that carried on in the mixed schools of Ulster, in which 2,400 Catholic children—I believe there may be 5,000—attend the religious teaching of Protestants and Presbyterians, is an utter subversion of that proclaimed by Lord Stanley, sanctioned by Parliament,

and accepted in good faith by the Catholics of Ireland.

I now approach the question—has the National System of Education as a “mixed” system, produced those wonderful results for which the right hon. Gentleman so complacently takes credit? Does the mixed system exist in three out of the four provinces of Ireland?—and where the mixed system alone exists, has it in any way tended to bring about that benign and blessed condition of things on which he has so eloquently expatiated? When the Secretary for Ireland asserts that the mixed system has wrought such results upon the feelings of persons of different religions, I might, notwithstanding all the high-sounding phraseology in which he delights to envelope the subject, use an expressive but not over elegant form of expression, and pronounce it to be pure “bosh.” First, then, is there really a system of mixed education in three provinces of Ireland? I take the Returns to the 1st of January, 1857, and what do I find. I commence with the pupils of the different persuasions. Their numbers were as follows:—

	Catholic.	Presby.	Est.Church
Munster . .	164,911	109	1,678
Leinster . .	143,956	216	3,812
Connaught . .	77,431	207	2,405
Total . .	386,298	532	7,895

Add the Presbyterians and Protestants together, and you have a total of 8,427, of both as against 386,298 Catholics. Then look at the proportion of teachers:—

Munster	1,412	7	13
Leinster	1,280	6	49
Connaught ...	710	5	20
Total ...	3,402	18	82

You here have 100 Protestant and Presbyterian teachers as compared to 3,402 Catholics. To talk of percentages in the face of figures such as these, and to claim credit for the success of the system of National Education, as a “mixed” system, is an oblivion of fact, and an abuse of common sense. To assert that the future prosperity and progress of these Provinces depend upon the maintenance of the mixed system—where no such system has existed, or is ever likely to exist—exhibits an utter ignorance of the real state of things in these portions of the kingdom. In the County of Cork, the county of the greatest extent and largest population, the number of Catholic pupils under the Board is about 80,000, while the Protestant and

Presbyterian pupils do not exceed 700. And this is your boasted mixed education, to which you so triumphantly appeal! Look to the City of Cork, and say is there a single Protestant child in a Catholic school. I see my hon. Friends who represent Limerick, Waterford, and Kilkenny; and I ask them is there the slightest admixture of creeds in the schools of their large and populous cities? Where, then, is this mixed system? It certainly is not to be found in Munster, nor is it to be discovered in Leinster or in Connaught. Of Ulster I will speak presently. The right hon. Gentleman answers every statement as to the failure of the system, as a mixed system, by an appeal to the history of the continuous progress of the schools, and the steady increase in the numbers of their pupils. But is this fact, which I admit to be true, an evidence of the popularity of the mixed system, or a proof that it has taken deep root in the hearts of the people? Does not the right hon. Gentleman know that the love of learning is inherent in the people of Ireland—that it is an abiding instinct of their very nature? The small farmer, nay, the poor labourer, will deny himself, not to say comforts, but even necessities, in order to send his child to school; and the helpless and destitute widow will sacrifice almost everything she possesses in the world in order to send her orphan children neat and cleanly to the school. The sword, the axe, and the rope could not extinguish this love, this thirst for learning which has ever found its home in the breasts of the Irish people; and it is an utter delusion to attribute that all-pervading sentiment to the existence or the operation of the National system. The fact is, the Irish people would avail themselves of any system of educational machinery which was not utterly bad, and the increase in the number of scholars, which is particularly observable in the three Catholic Provinces of the country, is not a proof that children of different religious persuasions are educated in the same schools, but that the people eagerly avail themselves of a system of education that is brought within their reach. Can the advocates of the present system venture to say that if the principle were totally changed and the denominational system was substituted for the mixed, the schools and the scholars would not have been more numerous than they now are? Now as to Ulster. If the results of the mixed system are of so blessed a

nature as we are told they are, we should look to Ulster as that portion of Ireland in which they are fully enjoyed. There we should behold the lion lying down beside the lamb, and the serpent nestling with the dove, and all sects uniting as one happy family of brotherhood and love. But is this picture of sublunary beatitude really illustrated by the social and religious state of Ulster, the home and theatre of mixed education? What, Sir, are we engaged upon at this moment? What is the legislation upon which we are engaged in the year 1860? We are, even now, in thirty years after the creation of the mixed system of education, which was to unite all warring and conflicting sects, making a new attempt to put down, by force of law, that sectarian hate and political rancour which rend Ulster asunder, and manifest their existence in insulting manifestations, and outrages, which result in strife, collision, bloodshed—murder. These are the fruits, these the triumphs of your mixed system, which is to soften down all asperities, and make people forget every difference of sect and party! In a letter which I received a few days since from the right rev. Dr. Delany—a prelate remarkable for his wisdom and moderation, he says,

“I really look upon the idea of mixed education in Ireland working fairly and satisfactorily as utterly Utopian. See, after all the battles against proselytism through the medium of schools, what the original National System has degenerated to in the North.”

The united Bishops also point to the disturbances in the North of Ireland in contemptuous disproof of the assertion that mixed education would have beneficial effects in lessening religious prejudices and promoting social harmony. I now come to a very remarkable authority on the subject of mixed and separate education—that of my right hon. Friend the Attorney General for Ireland, with whose conclusive and irresistible arguments in favour of separate or denominational education I shall answer and confute the fallacious reasoning of his right hon. Colleague, the Secretary for Ireland. On the 2nd of March, 1859, my right hon. Friend was present at one of the most extraordinary and memorable meetings ever held in Ireland. Would I had his picturesque power of language that I might fittingly describe the scene! The meeting of the clergy and laity of a vast county was held in a majestic building, which had been recently

decorated in the highest style of religious art. At the altar, then divested of its sacred furniture and religious emblems, sat four Catholic Bishops, arrayed in their canonical robes, assumed for the purpose of imparting greater weight and solemnity to the expression of the deliberate opinion of a great Catholic community upon a particular system of education. I can assert with confidence—for I had the honour of taking part in the proceedings of that meeting—that there were present more than 1,000 well-dressed and substantial people, of the trading and mercantile class; that the representatives of the first commercial families of the city supported their Bishop by their presence and sympathy; and that some 300 of the clergy of four dioceses were also amongst the vast assembly, amounting in all to about 5,000 persons. The four Bishops spoke, in the same spirit, and with the most complete unanimity of language and sentiment. After their Lordships came my right hon. Friend, who cannot deny that he was present and took part in one of the most solemn and emphatic pronouncements of Catholic opinion ever made in Ireland. The subject was intermediate education. [Mr. DEASY: Hear, hear.] My right hon. Friend will, no doubt, try to get out of it; but I put it to the Committee whether the argument in favour of separate and against mixed education, applied by the right hon. Gentleman to intermediate schools, or schools for the middle class, for the sons of shopkeepers, traders and merchants, does not apply far more strongly to schools for the children of the labouring classes?

MR. DEASY: I attended the meeting referred to on the express condition that nothing should be said or done at it against the National system of education or the Queen's Colleges?

MR. MAGUIRE: I admit that what my right hon. Friend says is quite correct; but I assert that every argument so ably employed by him on that occasion, is an *a fortiori* argument in my favour on this occasion. I shall proceed to show how conclusively he argued against mixed education—the same as that upon which the National system is ostensibly based. He commenced by placing himself entirely at the disposal of the Committee, and in “contributing in any manner to advance the great object for which the meeting had been convened.” He said, “In that object I fully concur, and I shall give it

either here or elsewhere, all the aid and ability that I possess." My right hon. Friend proceeded thus:—

"The object of this meeting, I understand, is to state a claim and assert a principle—to state the just claim of the great Catholic community to equal participation with all the other subjects of Her Majesty in any funds which the State may provide for intermediate education. Its object also is to state the principle which should regulate the application of that aid—to state the principle upon which the intermediate schools, if they are to be founded by Government, should be conducted—and to state the terms upon which, and upon which alone, the Catholics will participate in that share."

It was absolutely necessary, he said, in consequence of recent events, that "there should be an authoritative expression of opinion on the part of the great Catholic body of Ireland on this subject;" for, said he—"if we allow the Government to remain under the impression that many of the Catholics of this country would consent to mixed or neutral education, we should have ourselves to blame for the consequences of our error." "It has been contended," said Mr. Serjeant Deasy, "that what is called the mixed or neutral principle of education should be applied to the constitution of those intermediate schools;" but, said the learned Serjeant, "from that view, I confess, I entirely dissent. I object to the system which would allow the schools to be conducted by teachers of different persuasions, as unfit and impracticable." Well, what does the Attorney General say now to the system adopted in the model schools and in the anti-Catholic schools of Ulster? "How, then," he asked, "is instruction to be safely imparted to Catholic children, unless from the lips of those in whom their clergy and themselves can confide?" But do they confide in Presbyterian teachers, whose religious feelings and convictions are wholly opposed to Catholic faith and Catholic doctrine? "In fact," said the learned Serjeant, "there are very few instances in which mixed education has succeeded." The learned Serjeant was then eager to grapple with the opponents of the separate system. "What are the objections," he asked, in a triumphant tone, "which have been urged against the maintenance of separate intermediate schools for the use of the middle classes?" And he replies to the absurd objection in a manner that excited the laughter of his audience, "Why," said he, "because the separation of youth will tend to perpetuate, it is said, sectarian dissen-

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sions in after life." The mixed system, we are told, will unite us in love—the separate system will divide us in hatred. What says the learned Serjeant on the latter head:—

"I believe that in schools in which the teachers are of different religious persuasions, there will be constant bickering and strife, and I may point out as evidence that which has occurred within our own experience, in the administration of the National system. Serious differences have arisen that may endanger that system, and I object, therefore, to extending that system to classes of schools totally different, and in which the difficulty that I have referred to would be ten times greater."

After such a statement as this, are we to be told that the advocates of separate education are the enemies of union and harmony between those of different persuasions. The Attorney General now disregards the wishes of the people, and treats as something of little real importance the solemn and deliberate pronouncement of the Bishops of his Church; but on the occasion in question he went so far as to assert that a Government ought to defer "even to the prejudices" of a people. "The question," added the learned Serjeant, "is not which is the best system, but which do the people prefer." That was a very different speech from one which the right hon. Gentleman delivered on the hustings in Cork, when he was exasperated by opposition. Upon that occasion he ventured to make an assertion which was totally unjustifiable—that in this matter of education the House of Commons would never yield to the wishes of the Irish people. Here, Sir, in the House of Commons, I pronounce that statement to be a slander on the Parliament of this country. It is contradicted by the experience of every day. It is contradicted by the legislation of this Session, of every Session; for we find that Parliament is constantly altering, amending, and changing laws and institutions which are no longer adapted to the circumstances of the times, or to the wants and wishes of the community. I do not say that Parliament should yield to a mere prejudice; but I do assert that it will yield, as it has before yielded, to the strongly expressed wishes of the clergy and people of Ireland—wishes based, not upon prejudice and caprice, but upon conviction and experience. One would imagine, from the wild outcry against the Catholic Bishops, that they had proposed something treasonable, or at the least revolutionary or absurd. Who could think, from the manner in

which a demand for separate education has been and is received, that there was such a system in this country—even beneath the shadow of the towers of the Palace in which I have now the honour of speaking—and that in this House English Gentlemen, only two days since, stood up strongly and spoke warmly in favour of the denominational system? How, I ask, can that which works well in England work ill in Ireland?—how could that which is a blessing in England, prove a curse in Ireland? I have shown that where the mixed system prevails in Ireland there is rancour and hatred. The Bishops ask for a separate system, not alone to protect their flocks from danger, but also that they might impart to them that description of education, which, while fitting them for the battles of this life, may prepare them for that future existence in which every Christian believes, and which we all hope to enjoy. The English authorities in favour of religious education were as numerous as they were eminent, and had been quoted by the Catholic Bishops in their elaborate vindication of their demand.—[The hon. Member then read at some length extracts from the speeches of Lord Sandon, Lord Morpeth (the Earl of Carlisle), Lord Mahon (Earl Stanhope), Lord John Russell, and Sir Robert Peel, in 1847, in the debate on Education in Committee of Supply, reported 3 *Hansard*, xci.]—Lord Stanley also, in 1839, used these words:—

“I contend that education is not a thing apart and separate from religion; but that religion should be interwoven with all systems of education, controlling and regulating the whole minds, and habits, and principles of the persons receiving instruction.”—[3 *Hansard*, xlviii. 238].

I come now to authorities, not of a few years past, but of the present year. At the annual meeting of the Society for promoting the Education of the Poor in the principles of the Established Church, presided over by the Archbishop of Canterbury and other Prelates, their Report was read. This was the concluding passage of the Report:—

“The Committee trust that the Report of the Royal Commission on Education will not interfere with the present system of supplementing voluntary efforts by assistance from the State. The result of a change might be either a mere secular system of instruction, or some plan which would make religious knowledge only one among many branches of learning to be taught in schools, instead of, as at present, the element which pervades the whole course of education.”

Sir James Kay Shuttleworth, our eminent

educational authority, was present at the meeting and said that the system of the National Society was regarded with growing favour by the general public:—

“In maintaining that system, which gave the Church, so far as her own schools were concerned, a direct, immediate, and paramount control over the education of the country, they occupied an impregnable fortress, from which no power could force them to retreat unless through apathy or division among themselves. But it would not do to palter with the system either in principle or detail.”

I have a still higher authority in favour of the demand now made by the Irish Bishops—M. Guizot. From the third volume of his *Memoirs*, I take the following passage:—

“But while the action of the Church and the State is indispensable for the diffusion and solid establishment of public education, it becomes equally important, to render such education really good and socially profitable, that this action should be profoundly religious. I do not mean that religious instruction should merely take its place there, and outward practices be observed. A nation is not religiously educated on such limited and mechanical conditions. Popular education ought to be given and received in the bosom of a religious atmosphere, in order that corresponding impressions and habits may penetrate from every side. Religion is not a study or an exercise to which a particular place or hour can be assigned. It is a faith, a law which ought to make itself felt everywhere and at all times; and on no other condition can it exercise the full extent of its salutary influence on the minds and actions of men.

“Thus, in elementary schools, the sentiment of religion ought to be habitually present. If the priest mistrusts or separates from the tutor, or if the tutor looks upon himself as the independent rival, not the faithful auxiliary of the priest, the moral value of the school is lost, and it is on the verge of becoming a danger.”

You applaud these words of an eminent Protestant statesman, for they commend themselves to your reason and judgment, and are in accordance with your convictions; but why are Catholic Bishops to be howled at, as bigots, and fanatics, and enemies to progress, when they employ the same language and speak in the same spirit? It is said the Catholic Bishops desire an absolute control in the administration of the funds, and that they are averse to inspection. This is not so. The statement is absolutely false. In their memorial to the Government, and in their rejoinder to the answer of the Government, they most emphatically repudiate it. They are denounced for asking for a denominational system, although the system in this, which is a Protestant country, is purely so. They ask for a system which is established in Protestant England, and under the Pro-

testant Government of Prussia. The population of Prussia consists of 10,500,000 Protestants and 7,000,000 of Catholics. According to the Constitution adopted in 1850, under the title of "Personal Rights," it is expressly provided that in the management of the public schools the "confessional relations," that is to say, the religious denominations of the pupils are to be kept in view as much as possible; and that "the religious instruction in the public schools shall be conducted by the respective religious bodies." Thus the denominational system is made one of the fundamental points in the Constitution of the country. Of the 130 gymnasiums in Prussia, 40 belong exclusively to the Catholics; there is but one "mixed" gymnasium in the whole kingdom, and that is in consequence of the smallness of each denomination. Here, then, we have a perfectly denominational system in Prussia, and one as purely denominational in England; and yet because the Catholic Bishops of Ireland ask to have the same system applied to Ireland, or to their flocks, they are told they are fanatics and bigots. The ecclesiastical or pastoral authority is acknowledged in Protestant Prussia, but it is ignored in Catholic Ireland, and that miserable phantom, that dishonest mockery, parental authority, is set up in its place. A notice is now served on the parent of the Catholic child when he first attends religious instruction given by a Protestant or Presbyterian "teacher;" but if anti-Catholic instruction be given by any other person than the teacher of the school, no notice is required—so that a Protestant or Presbyterian clergyman, or his representative, may teach the child, and no notice be given to the parent. The right hon. Gentleman, the Irish Secretary, in his answer to the memorial of the Bishops, thus deals with their application:—

"If those demands were conceded, the National system would be overthrown, and a system of sectarian education substituted for it, calculated to revive social divisions in Ireland, and to stimulate feelings which it is the object of every just and liberal Government to allay."

I can assure the right hon. Gentleman this apprehension is based upon a mere delusion. There are, as a rule, no mixed schools in three Provinces of Ireland, and none of the evils he imagines have resulted from their being practically denominational and not mixed. But is there what may be termed sectarian teaching in Ireland, and has that been attended with

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danger to the peace of the community? The system of education adopted by the Christian Brothers is the very best and most striking type of the denominational,—it is exclusively intended for Catholic children, and is religious in its spirit. In the City of Cork the Christian Brothers now conduct the education of 2,000 children. There are also convent schools in that city, as throughout the country, which are not under the National Board, and which give an exclusively denominational or religious education—the same as given in this country. Has any evil, I ask the Attorney General, ever resulted from the separate and religious teaching of the Convent schools and those of the Christian Brothers? There are now some 20,000 Catholic children in the schools of the Christian Brothers in Ireland; and not only do they receive the very best secular education, superior to that given in any schools under the National Board, but also a strictly religious education, the tendency of which is to make them good men, good citizens and good Christians. Persons more desirous to live in Christian amity with their neighbours of all denominations than those who have been trained in these separate schools I do not know. For the right hon. Gentleman, therefore, to tell the Catholic Bishops that an exclusively Catholic education was calculated to excite sectarian feelings, and to revive social divisions in Ireland, is to state that which is contrary to their daily observation and experience. What is the working of the denominational system in England? I turn to the Report for 1859, and I find the most striking testimony in favour of religious teaching, or that which is alone safe and practicable under the denominational system. Mr. Marshall shows how the moral and religious feelings are stimulated and strengthened through the religious element in the schools which he inspected. He describes in terms of glowing eulogy the effect of certain religious associations or societies established in some of these schools. He says that the children in the schools where they exist invariably present a peculiar character, and display in a larger measure than others the qualities which it is the province of Christian education to foster and develope; and that if such devices promote and strengthen the general work of education, or supply in any measure unavoidable deficiencies, they cannot be too generally employed. Writing of the schools at Charles Street and Brompton,

under the Sisters of Compassion, he uses these remarkable words:—

“They are of a kind which I can hardly venture to praise; in the presence of such astonishing labour and devotion, one can only maintain a respectful silence.”

Mr. Morrell thus refers to the influence which the teaching of nuns exercises not only upon the children, but upon their parents. He says:—

“Nothing is more remarkable than the great readiness shown by parents in my district to send their children to schools taught by nuns. Indeed, the introduction of teaching orders in any part of my district creates a change in the habits and character of the population.”

Mr. Morrell also bears his testimony to the efforts of the Catholic clergy to maintain their schools in poor districts:—

“Very few of my schools are self-supporting; in many cases, the manager, who is almost always the resident priest, gives a part of his very insufficient income as a charity to help in supporting the school, and meeting the requirements of the Government.”

It is the same, I know, in Ireland. I know many clergymen there who have placed themselves in great embarrassment in order to establish schools in their parishes—and it must not be forgotten that more than 3,000 non-vested schools, of which Catholic priests are the patrons, were built without a shilling contribution from the State, and wholly at the expense of the Catholic clergy and people of Ireland. And Mr. Morrell describing the results of the teaching of these self-sacrificing men concludes by saying:—

“Indeed I can verify that the clergy to whom I refer, answer the purpose of the most efficient police officers in two ways—1st, by preventing crime, by the careful instruction of the young in their religious duties. 2ndly, by redeeming even hardened criminals, by certain religious influences which they alone possess.”

I shall quote but one passage more, in which he bears testimony to the results of religious teaching, especially given by religious teachers, who leaven the secular instruction with the religious element, and thus acquire the most salutary moral influence over the minds of their pupils:—

“The education of the poor, especially of girls, carefully watched over by religious teachers, has generally a powerful effect on the moral character. It is frequently the case in my district, that the children and the pupil teachers in nun’s schools exhibit a more refined and a gentler behaviour than other children. I have also been informed, at Sheffield, that since the opening of the large new school of St. Mary’s, offering many facilities of

cleanly habits, the children have greatly improved in cleanliness and neatness of person. My experience as to the moral advantage of religious teachers, and Convent schools exactly accords with that of the American Protestant, Mr. Barnard, as described in his work on education in Europe, in which he remarks, that in Switzerland especially, the moral influence of the religious teachers over girls is superior to all other influence. He repeats the same observation in the case of France.”

I might go through the reports of the Inspectors of Schools to further exhibit the nature, efficacy, and results of the denominational system of teaching enjoyed by England; but I have already quoted sufficient to satisfy any unbiassed person that the general adoption of that system in Ireland could not be productive of evil. I object to the present system, because in three provinces of Ireland it takes credit for that which it really is not, and that in the other province it is attended with mischief and injury. I object to its administration, which I insist has been adverse to Catholic interests. Without looking for further proofs of the anti-Catholic spirit in which it has been and is administered—without alluding to the manner in which remarkable cases, such as the Balindine, the Besbrook, and the Belfast cases, have been dealt with by the Board—I have only to mention the late rules by which further aid is refused to monastery and convent schools. A religious community reside in a certain district, and there they have a school; but there are other districts, perhaps with a population more destitute and more ignorant, and therefore more in need of education, and, impelled by the noblest charity, they established schools in those other districts; they bring to those districts the blessings of education, and the holy influence of their presence; but because they do not reside where those schools are established, the National Board refuses to their noble undertaking the aid of the State.

I have now concluded my task, in the accomplishment of which I have trespassed, I am afraid, too long upon the attention of the Committee, who have been most indulgent to me, and whom I thank for their great consideration. My object has been two-fold. In the first place, I desired to show that those to whom the administration of the National system of Education has been entrusted, have departed in a scandalous and shameful manner from the covenant solemnly entered into between Parliament and the Irish people; and, in the second, that the de-

mand of the Catholic Bishops, for a separate or denominational system, has been rendered absolutely necessary by the circumstances of the case, and is consistent with reason, justice, and experience, and it is such as must meet with the approbation of English Protestant gentlemen—inasmuch as the system now asked for Ireland is that which is established and is working successfully in England, and that what is really good for the one country cannot be bad for the other country. Ireland forms part of the United Kingdom, is ruled over by the same Monarch, and governed by the same laws, and ought, in so important a matter as the education of her people, be placed on the same footing as England.

MR. DEASY said, that after the allusions that had been made to him he hoped he might be excused if he ventured to address a few observations in reply to the arguments of the hon. Member for Dungarvan (Mr. Maguire). Whilst giving to the general tone of the hon. Gentleman's speech his approbation, that approbation must be expressed with this qualification. He had heard with great regret the expressions used by the hon. Gentleman towards Mr. M'Donnell. Nothing could be more unfair than to bring a general charge of misconduct against a public officer intrusted with important duties, without giving any notice, and without condescending to specify his offences. The hon. Member said that Mr. M'Donnell confessed his misconduct. He denied that that Gentleman had been guilty of any misconduct or had made any such confession.

MR. MAGUIRE said, the charge he brought against the gentleman in question was that he had cooked the Report.

MR. DEASY asserted that there was no foundation for the charge. Mr. M'Donnell wrote across the passage which he was alleged to have suppressed that it ought to be published. [MR. MAGUIRE: Who suppressed it, then?] No man in Ireland had rendered greater services to the public, and especially to the Roman Catholic portion of the public, than Mr. M'Donnell. In times of difficulty and danger, when the contest was whether Roman Catholics should have any share in the administration of the country, Mr. M'Donnell was one of the small band who stood up in their defence. His services, however, had met with but small requitment, judging from the hon. Member's attack. But he would pass to the other

charges. The hon. Gentleman accused the Commissioners of having betrayed the trust reposed in them, and violated the compact entered into between Parliament and the people of Ireland. He challenged the hon. Gentleman to produce a single rule of the Commissioners which rendered it compulsory on any patron to exclude any child from religious instruction. The presence of the children at such instruction was entirely at the option of their parents and friends. From the very commencement the Board had adopted the principle that when religious instruction was given the parent or guardian of any child should be perfectly free either to allow it to remain or to withdraw it. He held in his hand a number of applications made in 1833 and 1834 to the Board for aid, in which it was distinctly stated that due notice of the hours of religious instruction should be given, and that pupils should be at liberty to attend or withdraw as their parents desired. Thus the patrons of a school in Donegal were asked, "Will you take care that no children are present at the time of any religious instruction or exercise except such whose parents approve of it?" The answer was, "The Committee wish that at least one hour a day should be set apart for Scriptural instruction, at which time Roman Catholic children will be at perfect liberty to retire; but the Committee do not feel that they should interfere for them." In that case the aid was granted. That had been the principle upon which the Board had acted all along, and he defied any one to show that it had been departed from. As to the two speeches which he had delivered at Cork and to which allusion had been made, he was prepared to justify everything he had said on those occasions. He did not attach any importance to it, but what he said then he was ready to maintain still. He attended the meeting in Cork on the express condition that nothing was to be said against the National system or the Queen's Colleges, and nothing was said. The remarks he then made referred only to intermediate boarding schools for the education of the higher classes. He was opposed to the mixed system in such cases. He believed that what was fitted for schools for children residing with their parents was not fitted for a boarding school, where pupils were removed from home influences and guidance. In all the model schools of Ireland there were only 124 resident pupils. The rest were all out-door scholars, who were resi-

Mr. Maguire

dent with their parents or guardians. He also said, as he was now ready to repeat, that Parliament never could comply with the demand contained in the memorial of the Bishops. He entirely denied that it was merely a demand for separate education. It went much further. It was a demand that Parliament should transfer to the Roman Catholic Bishops the entire and exclusive control of the education of the Roman Catholic children in Ireland. The words were:—

“That under no circumstances can they divest themselves of the responsibility attached to their sacred office of providing for the sound education of their respective flocks, and guarding them against the dangers to their faith and morals with which mixed educational systems are fraught.”

So far he agreed with them, but the Memorial went on to say:—

“Deeply impressed with a conviction of those dangers, which must increase in proportion as education is placed beyond the rightful control of the Church, the Catholic Bishops deem it a solemn duty to convey to Her Majesty’s Government the expression of the growing anxiety which naturally fills their minds on finding their authority so completely disowned in the various schemes for educating the Irish people which have been put in operation for several years. To this systematic refusal to recognize their legitimate authority to direct and superintend the education of their flocks they now chiefly confine themselves, aware that it is the prolific spring of all the evils with which the faith and morals of the rising generation of the country are beset—evils which are but too generally felt and deplored, and so obvious as not to require a tedious enumeration; suffice it to remark, that in the department of mixed education exercising the most extensive influence over their flocks—namely, that directed by the National Board, which reckons about half a million of the Catholic children of Ireland,—their legitimate pastors are entirely ignored; for example, neither in the nomination of the Members of that Board, nor in the framing or rescinding of its rules, nor in the appointment of its inspectors, nor in the selection of the books used in its schools, nor, above all, in securing to the pupils sufficient guarantees to obtain an adequate share of pure Catholic teaching, is the authority of the Catholic Bishops, as such, even legally or constitutionally acknowledged.”

[“Hear, hear.”] Perhaps hon. Gentlemen would allow him to finish the extract:—

“It is not to be supposed that the Catholic Bishops entertained any desire to interfere in the remotest degree with the proper management of the public funds, over which the civil Government should exercise control; on the contrary, they are ready to acknowledge its right to see that all public moneys appropriated to Catholic education should not be excepted from the same rule, but should be administered under Catholic inspection, and accounted for as every other grant from the public funds. But while they acknowledge the right, nay, the wisdom, of requiring accounts of

the manner in which all public moneys are expended, they deprecate the confusion of claims and obligations arising from the erroneous construction of that right belonging to the State.” The obvious meaning of that was that the Roman Catholic Bishops claimed the entire and exclusive control of the education of the laity; that they excluded the State from every interference except requiring accounts. [Mr. MAGUIRE: And inspection.] No. They talked of Catholic inspection, but they said nothing about inspection by the Government.

MR. MAGUIRE begged to direct the right hon. Gentleman’s attention to the rejoinder of the Bishops, where they offered to submit to the same inspection as in England.

MR. DEASY: But in that rejoinder they never receded from their original demand, and he fearlessly said that no Government and no Parliament ever would allow it. A demand couched in such terms would never be conceded to the Bishops of the State Church. The hon. Gentleman had referred to M. Guizot and the important law of 1833; but in that law parental authority was recognized in France as the guiding and controlling power. The law was altered in 1850, under the presidency of the present Emperor, and the control of the schools was vested in the local communal bodies, who were appointed either directly or indirectly by the Government. Belgium was a more Catholic country than Ireland. [“No!”] He meant that the Protestant minority was smaller than in Ireland. The Legislature was exclusively Catholic. In 1850 a law for intermediate education was introduced, and by Article 8 ministers of religion were invited to give or superintend religious instruction. The Bishops claimed the right to nominate religious or moral instructors. It was a far less extensive demand than that of the Irish Roman Catholic Bishops. The Belgian Chambers refused the claim of the Bishops. The Archbishop of Malines objected that the jurisdiction of the Church and State in schools was not recognized. The Irish Roman Catholic Bishops claimed the entire and absolute control for the Church. The Belgian Ministry refused to give way. The schools prospered, and the Archbishop of Malines, like a wise and sensible man, anxious to terminate an unseemly strife, negotiated an arrangement which was known as the Convention of Antwerp. The 2nd Article provided that religious instruction should be given by the clergy, nominated by the Bishop, and ad-

mitted by the local administration; and Article 11 provided that only books approved by the Bishops should be used. There was no claim of control over anything more than religious instruction, and he maintained that through the patrons, who were in ninety-nine cases out of a hundred Roman Catholic priests, that control was provided by the National system in Ireland. For these reasons he stated on the hustings at Cork, and he repeated now, that no Government would accede to the demand of the Irish Catholic Bishops. It did not merely involve a difference of system, but a question of sovereignty, and Parliament would part with its sovereign power if it acceded to the demand of the Bishops. But, treating the demand as one for separate education, let the Committee observe the circumstances under which it was made. The hon. Member for Dungarvan said the Catholic people of Ireland repudiated the present system. They did not repudiate the money. Eighty per cent of the money went into Roman Catholic pockets, and 84 per cent of the pupils were Catholics. In 1856 a Motion by the right hon. Member for Cambridge University (Mr. Walpole), which many thought involved the destruction of the existing system, was carried by a small majority. It caused great alarm among the Roman Catholic Members, and to allay that alarm the Secretary for Ireland moved a Resolution pledging the House to the National system. Every Roman Catholic Member, and every Member representing a Roman Catholic constituency, voted for that Resolution. There was a dissolution in 1857, and no Member, to use a common expression, came to grief on account of that vote. In 1859 the Earl of Derby was in power, and fears were again entertained that a change would be proposed, but the right hon. Gentleman then Home Secretary gave a pledge that no change should be introduced which would infringe on parental authority and the rights of conscience. In 1859 a dissolution again occurred, and at no hustings in Ireland was a voice raised against the National system. In 1859 the present Government was placed in office by a small majority. Shortly afterwards, his right hon. Friend the present Secretary for Ireland proposed the Education Vote, and the right hon. Member for Limerick (Mr. Monsell) and the hon. Member for Dungarvan said that the system had produced inestimable benefits.

Mr. MAGUIRE said, the right hon.

Mr. Deasy

Gentleman must not misquote him. What he said referred to the system as an educational machinery.

MR. DEASY said, he was willing to adopt the correction. But the hon. Member said there were certain things which they wished altered. His right hon. Friend the Secretary for Ireland promised inquiry and redress, and that pledge he had performed. But before such an inquiry could take place the authoritative opinion of the assembled synod was placed in the hands of his right hon. Friend demanding, not inquiry or redress of grievances, but the total abolition of the existing system and the substitution of another system founded on different principles. He could only account for the demand on the supposition that, as the Government was placed in office by a small majority, it was thought they would purchase support by acceding to it. [*Cries of "Oh!"*] He could account for it by no other explanation; but as a public man he would scorn to purchase support or to retain office on such terms.

As a Catholic, he entertained the sincerest respect for the Roman Catholic Bishops, but he differed entirely from their policy on this question, and he felt bound to exercise the privilege which he had always claimed of expressing his own unbiassed opinion on a temporal matter. He believed it to be utterly impossible to obtain the aid of Parliament to a system conducted on any such principles. They were dealing with a Protestant Legislature representing a Protestant people influenced by strong feelings, even by what he would respectfully call with prejudices, which on more than one occasion had led them to do acts of great injustice to the Roman Catholics of Ireland. Some time ago Parliament had refused to vote one shilling of public money for the repair of the public buildings at Maynooth, and when the noble Lord at the head of the Government, when Home Secretary, some years ago proposed a very moderate Vote of £500 for services actually rendered in convict establishments by Roman Catholic chaplains the House refused to accede to it. Was it likely, then, that Parliament would vote public money for a system such as that which was now demanded by the representative of the Roman Catholics? They wished for schools in which they could place the image of the Virgin and teach the doctrines of their own Church—in which they could use books framed by themselves, which would contain passages,

in all probability, not very favourable to Protestantism. But what chance was there of inducing Parliament to vote one shilling of public money for the support of schools so conducted? Even if such a vote were once passed, it would be perfectly impossible to maintain it. He could easily foresee what would be the course of events. There would be letters in *The Times*, photographs of the interior of the schools, extracts from the schoolbooks circulated widely, and from the Orkneys to the Isle of Wight there would be a storm of indignation at the voting of public money for the support of such schools.

Again, if the Roman Catholics obtained their object, they must give up almost all the existing schools, which were built principally on sites given by Protestant landlords, and sustained by Protestant subscriptions expressly on the condition that they were to be conducted on the principles of the National Board and open to persons of all denominations. He knew hundreds of schools in which that condition was inserted in the lease or in the trust deed, and, unless Parliament passed an Act for the purpose the Court of Chancery would interfere if there were any attempt to violate that condition. But was it likely that Parliament would assent to such a breach of trust—that it would apply property in a manner totally different from that stipulated for by the donor? Those who were demanding a separate system had never contemplated that consequence. How were they to obtain new sites, especially in Ulster? The land there was in the hands of the Protestants, and there was great difficulty now in getting sites, but for separate schools for the Roman Catholics alone it would be utterly impossible. In the interests, therefore of the Roman Catholics, especially of Ulster, he protested against the change.

Again had the advocates of a separate system considered what would be the effect of a change in respect to proselytism? They were a majority in Ireland, undoubtedly, but they had to deal with a Protestant minority possessing great influence, great power, and principally possessing the land of the country. Among the Protestant people of this country, as well as of Ireland, there was a sincere wish to convert the Roman Catholics from a religion which they believed to be injurious to the temporal interests and spiritual welfare of the people, and sometimes under the influence of that feeling they were led to

overstep the bounds of moderation and justice. Under the present system there were restrictions on proselytism, but it was proposed to substitute for it a system under which there would be no restrictions. If the change were effected any person who wished to establish a proselytizing school might go to the Treasury and get money for it. The Church Education Society, which at one time had 50,000 children in its schools, to a great extent with the object of converting them, was now languishing for funds. In consequence of a want of funds there had been a disruption in the society, and a large number of members were anxious to place their schools under the National Board. Establish this system, and funds would immediately be forthcoming for that society, and they would have a school in every parish in the country. It might be that the present restrictions on proselytism were insufficient, but if hon. Gentlemen would point out in what manner, the Government were quite ready to apply a remedy. But how would the change affect the Protestants of Ireland? There was a large and respectable minority of Protestants in Ireland. In the county of Cork there were 114 mixed schools under the National Board. There were 15,000 Protestant children attending 1,800 Roman Catholic schools, a good proof that those schools were conducted fairly. There never had been any attempt to influence the minds of those children, but under the separate system they would have to be provided for elsewhere. As the Protestants of Ireland were divided into two sections—Churchmen and Presbyterians—there must be in many districts three separate schools maintained by the State. The present Vote of £274,000 must be doubled or tripled, a proposal to which the House of Commons would never consent. In fact, the advocates of the separate system were exposing themselves to the two strongest objections which could be urged against any plan of education—the religious objection founded upon the character of the schools which they wished to establish, and the financial objection founded upon the enormous expense which they asked Parliament to incur.

What, then, were their grounds for making such a demand? The existing system had undergone no change since 1856, and why should that be condemned now which was unanimously approved four years ago? If proselytism had taken place at all, it had been where a national

school was not, and he had no hesitation in saying that, though the existing system had been in operation for thirty years, the people of Ireland were better Catholics now than they were in 1830. Let them judge of the tree by its fruits. There never was a period in which the people of Ireland were more attentive to their religious duties, and, therefore, it was not true that the national system had led either to proselytism or to indifference. The advocates of the separate system in that House might be counted upon his fingers. They had against them the whole of the Protestant population of Ireland to a man. The Roman Catholic laity and a majority of the Roman Catholic clergy of the second order were satisfied with the present system. Moreover, the demand for a change came before the House in a shape which, however he might regard it, was the least calculated to obtain for it the assent of Parliament, because it was put forth as the authoritative demand of an ecclesiastical synod—an assemblage which, whether convened from Canterbury or from Rome, carried no weight with the people of England. The National system imposed restrictions and involved concessions, but it applied equally to Protestants and Roman Catholics, and it would be impossible to devise any system for which the money of the Protestant people of Great Britain could be obtained which would not involve some restrictions and concessions. The condition of Ireland was anomalous and peculiar. There was no other country in Europe in which it would have been necessary to pass a Party Emblems Bill. The whole country quivered with emotion and religious excitement. No doubt then the condition of the country required restrictions and concessions. He approved the National system, not because it was the best, but because it was the only one which had solved the difficult problem of obtaining from the Protestant Parliament and people of Great Britain, without murmur or grudge, a large amount of public money for the education of the Catholic youth of Ireland. Such a system should not be departed from until at least there was some security that an equal amount of money would be granted for the education of the people under the separate system. He would appeal to the Roman Catholic Bishops and those who thought with them not to plunge Ireland into an internecine religious war for the sake of a theoretical benefit. Let them take the practical good

which the system afforded, and not quarrel for what they could not obtain. They had great power and influence over the minds of their people. He knew what they could do, and he knew what they could not. He knew that they could, if they thought proper, withdraw the children from these model schools. They would be obeyed—grudgingly, he believed, but still obeyed. Any such step on their part would, however, be attended with most fatal consequences. It would stimulate still further the resistance in that House and in this country to the demand which they had made. His hon. Friend had alluded to the next election. He did not know whether it would come next year or the year after, nor would that make any difference in the course which he should pursue. He knew that the Bishops might perhaps exclude men like himself from the representation of the people, and might drive them from public life. They might drive from public life every man of independent principles and independent opinions, but would they by that advance the object they had in view? They might still further separate the Roman Catholic representatives from the rest of the people; they might widen the breach which he was sorry to say existed; they might weaken the influence which those Members possessed or ought to possess in that House; they might inflict incalculable mischief upon the people of Ireland; all this they might do, but there was one thing which they could not; he spoke it with the sincerest respect and deference, but with a knowledge of the people and Parliament of England, which they did not possess,—they could not by political agitation or by spiritual influence extort a compliance with the demand contained in their letters from the Parliament or the people of Great Britain.

MR. MORE O'FERRALL said, that it was unnecessary for him to comment upon the speech of the right hon. and learned Attorney General for Ireland, for one more intemperate, more contradictory, or more dangerous to the peace of the country, with the preservation of the peace of which the right hon. Gentleman was charged, he had never heard in that House. He deeply regretted that a gentleman of the same religious faith as those he assailed should have so calumniated the Prelates of the Church to which he belonged. The right hon. Gentleman stated that the Prelates of the Irish Catholic Church demanded to have the

whole control of the sum voted for education placed entirely in their hands. On the part of twenty-eight Bishops who signed the document which had been laid before the House he denied that there was any truth in that assertion. He denied it on their authority, for he had entered into personal communication with many of them; they fully admitted that when Parliament voted money for the education of the laity, it had a right to control its expenditure, and to see that value was received for it in the form of a good secular education; but, having ascertained that fact, the Bishops asserted that Parliament had no right to interfere with the religious instruction of any portion of Her Majesty's subjects. The complaint against the National system, as at present constituted, was that it interfered with the religious instruction of Roman Catholics, and that, although there might be no active proselytism in the schools, yet, as all the books employed in teaching had a Protestant tone,—being all written by Protestants,—the minds of the children were prepared for proselytism after they left school, when their worldly interests tended to induce them to change their faith. While he concurred with the Catholic Bishops and with the hon. Member for Dungarvan, in condemning the altered system of education, he felt obliged to concur with the right hon. Gentleman in his defence of Mr. M'Donnell, the chief Commissioner. He had been acquainted with that gentleman for thirty years, and knew him to be one of the most honourable, pure, and upright men in Ireland. Had he not been at the Board the Catholics would have had infinitely more to complain of, for he had invariably resisted the encroachments which had been made upon the original system, which had reduced it to its present unsatisfactory state. If he had any fault—and in an administrator it was a fault—it was, that he did not control his department with the necessary vigour. The suppression of a public document, to which reference had been made, has not been explained. The Attorney General has just stated that Mr. M'Donnell wrote his opinion across the paper, that it should be printed for Parliament; why does he not inform us by whose authority it has been withheld; it is a most important document, for it establishes the complaints of the Roman Catholic Bishops that proselytism had occurred under the altered rules of the Board, which

the original rules were framed to prevent. He believed he was the only Catholic who was a Member of the House when the National system was established, and it was the result of a bargain between Mr. O'Connell and the Government of Earl Grey. The Government then wanted to pass the Reform Bill, and as a general election was about to take place they were anxious to secure a large return of Reformers for Ireland. They spoke to Mr. O'Connell on the subject; but he told them that the people of Ireland knew nothing about rotten boroughs, and cared less; and that, unless there was something to excite their feelings, the tenants could not be induced to vote against their landlords' wishes, especially after the sacrifices they had made to secure Catholic emancipation. "But," said Mr. O'Connell, "if you would promise me to withdraw the grant from the Kildare Street Society, and to establish a system of education for all, then I would appeal to the people of Ireland, and you would have a good Reform Parliament." The bargain was made, the Reformers went to the country with a good cry of free Catholic education, there was a good return of Reform Members to that House, and the Reform Bill, to which many hon. Members now in that House owed their seats was obtained. Would they now sanction a departure from the system which was then promised to the people of Ireland? Very early in life he felt that Catholic emancipation would never be carried by an ignorant population, and he therefore, with the concurrence of the Catholic Bishop of the diocese, established and maintained schools in connection with the Kildare Street Society. He preserved that connection as long as he could; but ultimately the society became so proselytizing in its character that he was forced to separate his schools from it. When the system of 1831 was introduced he was one of its ardent supporters, but an outcry was raised against it by some members of the Established Church and the Presbyterians, because the system professed to exclude even the suspicion of proselytism. In order to mitigate opposition by truckling to the ascendancy principle a Board, which was to educate six millions of Catholics and two millions of Protestants, was appointed, on which were placed five Protestants and only two Catholics. The effect of that was shown at the first meeting of the Commission. The two Catholic members asked that the Catholic edition of the Scriptures should be

printed for the use of Catholic scholars, but their request was refused, on the ground that there were notes and comments to that edition. The next step of the Board was to appoint a Presbyterian minister to edit some Scripture lessons; he was afterwards appointed resident Commissioner with a salary, and he brought in his two nephews, Presbyterians also, as head teachers; and then they went to the Kildare Street Society's school for a Protestant schoolmistress. But that did not open his eyes. He had full confidence in Dr. Murray and Mr. Blake, and he believed no change could be made in the principle laid down by Lord Stanley's letter without the assent of all the Commissioners and the sanction of the Government. He owned he gave the Board his entire confidence, and he was not sorry for it; for he would rather be deceived than not rely on the promises of a Government who had received full value in Catholic support for an act of common justice. In 1840, the first change was made to please the Presbyterians to the injury of the Catholics. In 1845 application for further change was made to Sir Robert Peel, but which he refused, and he was bound to say, to the honour of the Earl of Derby, that, although he was twice Minister, no one could accuse that noble Lord or his Government of making any change in the system of a nature prejudicial to the Roman Catholics. He was sorry to say that all the changes in 1847 and subsequently, of which the Roman Catholics had to complain, were made by the right hon. Gentlemen now on the Treasury Bench, most of whom were parties to the original compact in 1831. The great alteration made in the system in 1847 had been ably and sufficiently described by the hon. Member for Dungarvan (Mr. Maguire). The right hon. Gentleman the Irish Attorney General in referring to this part of the case had answered himself; after speaking for a considerable time with great emphasis in defence of the unjustifiable acts of the Government, and in condemnation of the Catholic Bishops, he ended by telling them that he himself approved quite a different set of principles from those he defended. The right hon. Gentleman eulogized the schools of the Christian Brothers, and said that if he had to found a new system of public education he was not prepared to declare that he would not have a separate system; yet, with considerable inconsistency, he turned round and blamed Roman

Mr. More O'Ferrall

Catholic Members for not supporting the present altered mixed system, which they had found to be a gross delusion and a gross violation of the principle laid down in Lord Stanley's letter of 1831 to which they were pledged, and bound in honour to maintain. All human institutions were liable to deterioration, and even if the Government had made mistakes in this matter they might revert to the original system. That course had been suggested and even pressed upon them, but they would not do so. The influence of the Irish Established Church would prevent them—that upas tree which poisoned everything it overshadowed had poisoned that greatest blessing, a good system of National education as first introduced. They might talk as they pleased of raising the people of Ireland, but if they were forced into ignorance for conscience sake they must sink into a degraded race. The right hon. Gentleman warned them that if they insisted on their principles they might lose their share of the money grants. Then let them lose it, rather than surrender their principles. Better adhere to principle than to money. The people of Ireland would make sacrifices, if necessary, as they had done before, for the promotion of education and the maintenance of their principles. What would Ireland be in Europe but for its unflinching adhesion to its faith?—it was a conquered country, yet never amalgamated; the conscience of its people had never been overcome. No Catholic could hold up his head except for his conviction that he and his co-religionists had suffered for the principles which they held sacred. Did the right hon. Gentleman the Attorney General suppose that, having endured the penal laws for many years, they were now going to be bribed into acquiescence in a mischievous sham? If the right hon. Gentleman took that view, of course he might follow it; but for his own part, and on behalf of his co-religionists, he must distinctly repudiate it. He thanked the House for the patience with which it had heard him; and he could only repeat that he would not have risen at the close of so long a debate save for the provocation he had received from the Attorney General for Ireland, who spoke the opinions of the Government which he repudiated, although he condescended to utter them.

MR. BRADY said, he had been some years a Member of the House, but he had

never listened to a speech with greater pain than to the speech of the right hon. Gentleman the Attorney General for Ireland. It was a most intemperate speech, and one in which no attempt had been made to grapple with the arguments of the hon. Member for Dungarvan, who had exposed the fraud practised upon the Government by tearing from Mr. Keenan's Report the sheet which stated that in the north of Ireland several Roman Catholic children attended national schools to which Protestant instruction was given. He (Mr. Brady) had many opportunities of judging, and he maintained in opposition to the right hon. and learned Gentleman, that the Roman Catholics of Ireland were not in favour of the present system, and that their disapproval of it had been declared through their Bishops and clergy. He contended that if a separate system was good for England it would be equally good for Ireland. Belgium had been referred to, but that had no application to the present case. There was no mixed system of education there; the separate system prevailed. His hon. Friend the Member for Dungarvan had clearly shown that, as regarded three of the four provinces of Ireland, the system could not be said to be a mixed system of education; and that in the fourth province, where to a certain extent it was a mixed system, that mixture was made an opportunity for carrying on the work of Protestant proselytisers. He hoped the House would insist that the national system of education should be placed on such a foundation that it would prove a blessing to the people of Ireland.

MR. CHICHESTER FORTESCUE said, he thought it a strange spectacle to see the National system of education attacked by Roman Catholic gentlemen, and defended by the Attorney General for Ireland against certain of his co-religionists. In the humble part he had taken in public life it had been his duty, according to conscientious convictions, to support the system both in Ireland, in his own neighbourhood, and in that House; and he could not help remembering the expressions of gratitude he had received from every part of Ireland when he took steps to procure the reversal of a vote which had been obtained by surprise, and was considered to endanger that system. Whatever the merits of the two systems in the abstract, the fact could not be overlooked that one system was established in Ireland which had been work-

ing for years with the utmost success, and had converted Ireland from one of the least educated and civilized into one of the best educated countries. He was happy to think of what had been done and what would yet be done. He admitted that the books might be improved; but this, too, was a matter of comparison, and every gentleman who knew the present state of Ireland, and what it was formerly, must admit that a good deal had been done in this direction. Irishmen might be proud of the fact that the books used in the National system of education had been adopted almost everywhere the language was spoken. A great deal had been said of the restrictions imposed, by the religious rule of the National Board, on the free action of patrons of schools. But without this they would only have two bad schools where there ought to be one good one, maintained by the rival influences of the landlord and the priest. Proselytism was a curse in Ireland; there was a perpetual contest going on between the different religious denominations—a constant effort, not to do good to one another, but to filch some professors of one creed to the rival Church. He had seen it going on in his own neighbourhood, and producing nothing but evil. He said, then, let these schools be free from such a spirit, and let the field of education for the poor in Ireland be protected from these religious animosities. They had no security that such would be the case under a new system, but the present system had already done infinite good. It was a pliable system, and adapted itself to the wants of the country. Where it was natural from the circumstances of the locality that the schools should be separate schools, they were separate schools; and there were numerous schools of that description in Ireland; but where it was convenient to have the mixed system, there the mixed system prevailed. He was not capable of turning right-about-face at the invitation of hon. Gentlemen in that House, and therefore he must continue until he saw a prospect of something better, to give his humble support to the national system.

MR. HENNESSY said, that the right hon. Gentleman the Secretary for Ireland had promised alterations in the present system, but, with the exception of the revision of the list of books, the changes proposed would be productive of no good whatever. Nor did he believe that they would satisfy any of the great parties of

Ireland. The right hon. and learned Member for Dublin University (Mr. Whiteside), who spoke on the subject a few nights ago, and who represented the Protestants of Ireland, expressed his distrust of the existing system, and condemned it. The great majority of the Protestant Bishops of Ireland were opposed to the system, and as for the Catholics, no Catholic Member of that House, with the exception of the Irish Attorney General, had defended it. But the speech of the Attorney General for Ireland was inconsistent with the statement which when the Earl of Derby was in office he made in Ireland before those very Bishops, whose conduct he now condemned, and in which he denounced the system of mixed education.

MR. DEASY: I rise to order. I never did anything of the kind.

MR. HENNESSY: He was ready to prove his assertion that the right hon. Gentleman had denounced the mixed system in intermediate schools. But he had a grave charge against the right hon. and learned Gentleman. The right hon. and learned Gentleman said the Bishops in their memorial were not advocates for the separate system, but for a system under their exclusive control. Let him remind the Attorney General for Ireland that the Bishops in the 40th paragraph of their Rejoinder, asked for the same system as prevailed in England. In the 43rd section they said they wanted a system under the operation of which such control would be exercised over the finances, and such a mode of inspection provided, as to secure a proper distribution of the public funds for educational purposes. The language used by the Bishops was indeed the same as that which was employed by the Committee of Council in defining its own functions—a fact which was a sufficient answer to the charge of undue assumption which had been made against them. The only difference, indeed, which existed between the claims of the Irish Bishops and those of the Roman Catholics in England was that the former were not so extensive as the latter. Addressing himself to the subject as a simple educationist, he was desirous that the funds applied to the promotion of education should be expended in a manner at once the most economical and the most useful, and the best mode of attaining that end was, in his opinion, the adoption of the separate denominational system. There were some important branches of knowledge which it was not

under a mixed system possible to teach—history, for example, in the attempt to give instruction in which in Ireland under that system the existence of the Roman Catholic Church was ignored, the occurrence of such an event as the Reformation passed over, and almost all mention of Ireland itself omitted. When he had been last in Dublin he had visited the great model school in that city, and had seen several diagrams on the walls, but no symbol of the Christian religion, whereas on visiting subsequently the Roman Catholic school at Hammersmith the first thing which he saw mentioned in the orders of the day was the sacrifice of the mass, a strong contrast to the intolerance of the mixed system being thus furnished. The Christian Brothers, he might add, who were great educationists, had prepared a series of schoolbooks which, because they were admirable works, he found set down in the Privy Council list, while they were omitted from that of the National Board in Ireland, because they happened to contain something about religion. Now, the policy which he would recommend was the encouragement of all systems of education. The separate system had already been tried in Ireland, and with marked success, by the Society of Friends, the Incorporated Society a Protestant body, and by the Christian Brothers a purely Roman Catholic institution, these three bodies having been reported by the Endowed Schools Commissioners to be the most efficient educationists in that country. No statement contained in the report of the Endowed School Commissioners was more striking and important than the declaration that the best and most efficient schools which they found were those of the Christian Brothers, of the Society of Friends, and those under the Incorporated Society. And one of the Commissioners dissented from the report, which, to a certain extent, recommended mixed education, on the ground that these very schools of which they thus declared the superiority, were schools based on the separate system. He, for one, should not complain if they were driven to adopt the voluntary system. He would rather that the Government were repudiated, and that persons were left to act on their own convictions than be bound by the policy of Her Majesty's Government to adopt an exclusive, and he must add an intolerant system. It was called the National system, but in reality it was no such thing.

Mr. Hennessy

It was repudiated by the people, it had been condemned in England, and the more it was discussed the more it would be condemned in Ireland, until finally, he had no doubt, it would be overthrown.

LORD FERMOY said, nobody could object to the establishment of schools in Ireland upon the voluntary principle. The more of them that existed, even on the separate system, the better. But he objected to the granting of Government aid to any except a mixed system of education. He felt glad that the right hon. Gentleman the Chief Secretary had spoken out clearly and manfully, and that the right hon. and learned Attorney General likewise had ably and effectively explained his views, for it was of the greatest importance to the well-being of society in Ireland that there should be no mistake as to the views of the Government. His hon. Friend (Mr. Hennessy) had fallen into a mistake in supposing that the Catholics of Ireland were united in their opposition to the National system. It was a fact, unfortunately, not to be denied that a very important body, the Roman Catholic hierarchy, and clergy, were opposed to the system, and were pressing their views with energy. The mass of the lower classes, more particularly on questions of that nature, were easily led by the heads of their Church, but he denied that the middle and upper classes among the laity were at all disposed to join in condemning the Board. The state of public feeling on this point had been satisfactorily tested at a meeting held in Cork, at which the issue—a mixed or separate system of education—was plainly put and decided. That meeting had been convened by requisition, and whether regard were had to the number or social standing of those by whom it was signed or of those by whom the Resolutions at the meeting were proposed, it was evident that the feeling amongst the laity largely preponderated in favour of the mixed system. Those who thought otherwise were only deceiving themselves and deceiving the House of Commons. They had never ventured to bring the question forward at any of the local assemblies before the Town Councils, Boards of Guardians, or Grand Jury meetings in Ireland; if they had the hardihood to do so he ventured to assert they would find themselves in as evident a minority as in that House. It had been asserted that on that question the right hon. Gentleman the Member for the Uni-

versity of Dublin represented the opinions of the Protestants of Ireland. He respected the great talents of the right hon. and learned Gentleman; there was no Irishman who did not feel proud of the professional and political position which he had attained; but, though he represented the views at once of the University and of an important section of the Protestants of Ireland, there was no ground for saying that he reflected all their sentiments. The right hon. and learned Gentleman would scarcely venture to place himself in opposition to the venerable Primate of Ireland, who had not hesitated to reconsider the question of National Education, and to review the policy which the Protestant Church ought to adopt. That he possessed liberal views, a large mind, and no small stock of courage was manifest, for he had not shrunk from recanting the opinions he had formerly expressed, but had openly declared that there was nothing inconsistent in support being given by the Protestant Church to the system of education that was countenanced by the Government. If objections were entertained to the details of this system, surely the rational and fair mode of proceeding was to ask that those details should be amended, instead of opposing the whole principle. For his part, he was willing to review the details, and if it could be shown that the faith or the morals of the people of Ireland were injured by the working of the system, let the blot be removed. As it was, the speech of the hon. Member for Dungarvan (Mr. Maguire), after the concessions proposed by the right hon. Gentleman, afforded a bad encouragement to any party to make further concessions. He (Lord Fermoy) objected to change the system of mixed education, because Ireland was in an exceptional state, and because religion, politics, and social subjects were so mixed up there that it would be impossible for the State to carry out the separate system. The result of the system would be that the taxpayers of the country would pay double or treble, while the country itself would thereby be divided into hostile camps, and existing religious and political differences would be multiplied tenfold. It was easy to say that it was godless and wrong to give secular without religious instruction. But that was not done. Would the Catholic population be allowed by their pastors to forget their religion? There was not a more active and zealous body of men than the Roman Catholic clergy,

and he was convinced that under the mixed system they would not allow anything of the kind. In the separate schools which had been spoken of, how many days did the priests devote to religious teaching there? He had not the least doubt that they gave their children their religious instruction on Sundays, and that was all they were wanted to do under the mixed system. The sole wish of the supporters of the National system was to make good citizens of the children who attended the schools, and such a system would, in his opinion, be best calculated to make them peaceable and loyal subjects of Her Majesty.

MR. MONSELL said, that as allusion had been made to a speech formerly delivered by him in that House, he wished to explain exactly the views he expressed on that occasion. He stated then, and still believed, that the greatest blessing which Parliament had ever given to Ireland was the National system of education. But he went on to say, and he now repeated it, that unless the divergencies from the original system were got rid of—unless the system were brought back to what it was originally intended to be—it would be utterly impossible for any Government to maintain it, and they would be compelled to substitute in its place a system founded on totally different principles. With regard to the debate this evening, he could not help contrasting the two speeches which had been delivered from the Ministerial bench—the one so calm and conciliatory, the other a speech which filled him with great pain and regret. He could not understand how the right hon. and learned Attorney General for Ireland, after having properly found fault with the hon. Member for Dungarvan for speaking against Mr. M'Donnell in his absence, could make charges against the Catholic Bishops of Ireland, which hereafter the right hon. Gentleman would surely himself regret.

MR. DEASY denied that he had made any charges. He had read the letters of the Bishops, and put constructions on them, but he defied the right hon. Gentleman to prove that those constructions were incorrect.

MR. MONSELL.—The right hon. and learned Gentleman said that the Government having come into office with a small majority, the Catholic Bishops took the opportunity of forcing upon them a system which he described in language of the

severest vituperation. It had been admitted, however, by the Secretary for Ireland, that persons who were interested in the religious education of the people, might look with great jealousy upon any steps that were taken to that end. In every country there was a desire on the part of the dominant body to grasp everything, and he would ask, had the conduct of the State towards the Catholic Church on that matter been perfectly honest? Had the Government acted with good faith? His right hon. Friend the Chief Secretary admitted that the Catholics had not been fairly dealt with, and he had taken the first steps towards placing all parties on an equal footing, as hitherto every thing that had been done had been with a view to conciliate the Protestants. The first point to which he wished to allude was the model schools, which he understood the right hon. Gentleman did not intend to increase.

MR. CARDWELL explained that he had said no more model schools should be erected by the Board without the matter being brought under the cognizance of the Government, to be by them submitted to Parliament.

MR. MONSELL said, he thought that was a change for the better, but no doubt the system on which the existing model schools were carried on required much alteration. The next point to which he would advert was as to the change of books. If the right hon. Gentleman meant simply to revise the books, that course would not give satisfaction; but if he could leave it to the new Board he was about to establish to add any other books to the list for Catholic children which should breathe a spirit of Catholicism he would be doing well.

MR. CARDWELL said, if the Board should choose to add any books for Christian education not clashing with the distinct principles of any Church or community, those were books which it would be open to the Board to add to the list.

MR. MONSELL said, he meant books that contained nothing controversial. The next concession was the restoration of the rule which allowed non-vested schools to receive building grants. That, no doubt, was an important step, but on two most important points—points in which the good faith of the Government was involved—he regretted to observe that nothing was to be done. No amount of sophistry can get rid of the fact proved by the distinct

and sworn testimony of Mr. Blake and Mr. Carlisle that by the original rules no child was permitted to attend religious instruction given by teachers not of his own faith. This rule was no doubt sometimes waived with the object of conciliating important classes, such as the Presbyterians. These exceptional aberrations prove nothing when contrasted with the dogmatic statements of the Commissioners. It was idle to imagine that the present system which allowed proselytism was the same as that whose first principle was to avoid even the suspicion of proselytism. The right hon. Gentleman had referred to a clause in the Irish Poor Law Act, but that clause was copied from the English Poor Law Act, and proved nothing. The other point was as to permission accorded to the clergy of all denominations to visit any schools within their respective parishes wherein any of their own religious persuasion were educated. That permission was secured by the original rules—under the present rules Catholic children in Presbyterian non-vested schools either receive no religious instruction of any kind, or receive it at the hands of those who stigmatize their religion as a mass of superstition and idolatry. The Government must make up their minds to carry out the original principles on which the national system was founded to their legitimate consequences, or else to yield to the demands of those who ask for its total abolition; any other course must lead to continual agitation. No one could expect the Catholics of Ireland to sit quiet while the solemn promises made to them are violated and their children are exposed to gross injustice.

MR. DEASY protested in the most emphatic manner against the imputation that he had used vituperative language towards the Bishops. It was entirely untrue, and a misrepresentation of what he had said.

THE O'DONOGHUE said, he agreed in the opinions so ably expressed by the hon. and learned Member for Dungarvan (Mr. Maguire). He believed, with the head of the Catholic Church, with the Bishops, and with the great mass of the Irish people, that the present system of National education was injurious to the interests of that religion and incompatible with the influence which the pastors ought to exercise over their flocks. He had heard no reason why the denominational system established in this country should not be extended to Ireland.

MR. VINCENT SCULLY said, that the

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Resolution which he had intended to move on going into Committee, but had withdrawn at the request of the Chief Secretary, expressed his views on the question. It was as follows:—

“That all funds provided by Parliament for public education in Ireland should be so administered as to banish all just suspicion of proselytism from the National system, and conciliate cordial co-operation from clergy and laity of all religious denominations.”

He did not think the propositions of the Chief Secretary went far enough. It could not be denied that the original system had been departed from, and that the present system required to be carefully watched. Let the right hon. Gentleman appoint a resident Roman Catholic paid Commissioner. Whenever an attempt was made in any school to proselytize or to induce children to attend religious instruction by a teacher of a different faith, let another school, at whatever expense, be instituted. Let there be also a due proportion of Roman Catholic Inspectors, and the books undergo a *bond fide* revision upon consultation with the heads of the respective Churches in Ireland; and then some of the more serious complaints against the mixed system might be obviated.

VISCOUNT PALMERSTON: Sir, I do not rise to enter into any arguments upon the question, or to add to the conclusive reasonings of my right hon. and learned Friend the Attorney General for Ireland. I think that his arguments ought to be conclusive to the mind of every Roman Catholic gentleman who wishes to see the children of Roman Catholics in Ireland efficiently educated. The hon. Member has, I think, very unjustly charged my right hon. and learned Friend with vituperating the Irish Roman Catholic Bishops. Now, I am sure he very carefully guarded himself from saying anything which could bear that construction. He expressly said that he felt for them all that veneration and esteem which they merit, and he directed his remarks to those differences of opinion which exist even in Roman Catholic countries between the clergy and laity on the subject of education. But I did not rise to vindicate my right hon. and learned Friend. The noble Lord the Member for Marylebone (Lord Fermoy) in the course of his observations, said that there ought to be no mistake as to the opinions and intentions of Her Majesty's Government upon this question of mixed education, and the hon. Member for Tipperary

(The O'Donoghue) added that the matter would not rest here, but that there would be agitation elsewhere for the purpose of defeating the system of mixed education. I think it ought to be distinctly understood that Her Majesty's Government attach so much importance to this system of mixed education in Ireland, as contradistinguished from the denominational system in England, that they would not deem it their duty to propose any Vote upon any other principle. If education in Ireland is to be carried out mainly by the grant of public money by the State, I say that the Government would not feel it consistent with their duty to propose a Vote for any other than the mixed system. It is asked why should a different system be pursued in Ireland from that which is pursued in England? I think the difference in religious and social feelings in the two countries shows that that is an idle question, and that, in fact, it answers itself. There is not the same conflict of religious opinion—there is not the same religious agitation in England which prevails in Ireland, and in my opinion it is the duty of the Government to soothe and mitigate those feelings. I trust that this Vote will now be allowed to be carried. I think it has been discussed sufficiently. Those who are most adverse to the present system do not propose to negative the Vote, and I hope that the Committee will now assent to it.

COLONEL DICKSON said, the system which had been originally introduced had been considerably altered. If the principles on which it was first founded were not to be maintained, then that principle ought to be adopted which commanded the assent of the great majority of the people of Ireland.

Vote agreed to.

House resumed.

Resolution to be reported To-morrow.

Committee to sit again To-morrow, at Twelve of the clock.

*House adjourned at a Quarter before
Four o'clock.*

HOUSE OF LORDS,

Friday, August 17, 1860.

MINUTES.] PUBLIC BILLS.—1^a Excise Duties; Peace Preservation (Ireland) Act, 1856, Amendment.

3^a Consolidated Fund (£10,000,000); Local Government Supplemental (No. 2).

Viscount Palmerston

SAVINGS BANKS AND FRIENDLY SOCIETIES BILL. EXPLANATION.

LORD REDESDALE said, that before their Lordships proceeded to the Order of the Day, he wished to say a few words with regard to the position of this measure, and the course which, after consideration, he thought it desirable that their Lordships should adopt with regard to it. He was not at any time desirous of unduly pressing his Resolution respecting the last day on which second readings would be taken; and on consideration of the subject he was bound to admit that when the Resolution was passed the case which occurred on Monday night last was not contemplated—namely, that of an equal division. He had considered that a division on the question whether a Bill was of that urgency, that it ought to be excepted from the operation of the Resolution was tantamount to a division on the second reading; and on the question of second reading, even numbers only prevented the Bill from being read at the particular time; it did not, however, deprive those who had charge of the Bill from moving the second reading on another day. He was, therefore, bound to admit that by the result of the division on Monday night, upon the Resolution of Urgency—the number of Contents and Not-Contents being equal—the second reading of the Bill was not negatived, but an opportunity was allowed for a further consideration of the subject; and had the noble Earl opposite at once announced his intention to repeat the Motion there would have been no objection to that course. It was extremely desirable that when their Lordships had made an Order it should be as far as possible respected, and therefore he thought that it would be better that the noble Earl (the Lord President) should repeat the Motion declaring that this Bill was a matter of urgency, rather than pursue the course, which he had yesterday given notice he intended to adopt—that of moving the suspension, with regard to this Bill, of the Resolution of the 18th of June. He did not himself see that this was a case of urgency; but after the statements which had been made by the Government, and the strong feeling which they, who were better judges than he could be, had shown upon the matter, he should not resist the further progress of the measure.

THE EARL OF DONOUGHMORE was understood to concur in the suggestion

of the noble Lord the Chairman of Committees.

THE EARL OF MALMESBURY said, he was not present when the discussion on the urgency of this Bill took place, and should not therefore give any opinion on the merits of the question. But he entirely approved the course which had been suggested by his noble Friend the Chairman of Committees, the adoption of which would, in his opinion, conduce much to the dignity of the House. He regretted that the House should be, by the urgency of any measure, compelled to revoke its previous determination or rules; but, as the Government had so strongly asserted the necessity of passing this Bill at this particular time, he should offer no opposition to it.

EARL GRANVILLE: My Lords, after the suggestion which the noble Lord opposite has made to me in such moderate and conciliatory terms, I may, perhaps, be allowed to say a few words to relieve the Government from the charge which was made by the noble Lord upon the cross benches (Lord Monteagle) last night, that their conduct in regard to this Bill had been contrary to fact, contrary to straightforwardness, and full of art. I think I shall be able to show that not one of these epithets was deserved. The Resolution of the 18th of June is a repetition of a Resolution moved by the noble Lord the Chairman of Committees for several years; and both this year and on previous occasions, I have spoken favourably of it, provided its operation be confined within certain limits. I have thought that it was most useful, as protecting this House against the enormous evil of having sent up from the other House, within three or four days of the prorogation, thirty or forty Bills which we were obliged to pass through their several stages without either moral or physical opportunity of examining their details or even their principles. I have also thought that it acted well as a stimulus to the Executive Government and the House of Commons somewhat to hasten the progress of Bills so that they may be brought up before the day fixed by the Resolution. But I have always said, and I repeat it now, that strictly and in principle that Resolution cannot be defended, and that if you press it in such a manner as to cause it to be thoroughly examined, it will be found not to be in accord with our relations either with the other House or with the Crown.

This year, owing to the circumstances of the Session, that Resolution has been in a very peculiar position. The noble Lord first proposed to fix the limit at the 17th of July, but on my representation he postponed it until the 27th. Subsequent experience has shown that, with reference to the prorogation of Parliament, even that day was much too early. Since that time we have been sitting here almost idle while the House of Commons has been overwhelmed with business, and have been sending down Bills to them notwithstanding that accumulation; and at the same time have been exercising our discretion in a somewhat arbitrary manner as to reading a second time any Bill which they might send up. The whole thing has arisen from the unforeseen length of the Session, but it has placed us in a difficulty with regard to the Resolution. While I admit the great fairness of the noble Lord the Chairman of Committees and his anxiety to assist Members of this House in moulding Resolutions that Bills may be passed, yet several circumstances have occurred which have still further weakened the case in favour of the Resolution. I think it was unfortunate that it should have been defended upon the ground of the individual convenience of Peers; and I think your Lordships have further damaged the Resolution by restricting yourselves to passing certain clauses of a Bill which were urgent, and refusing to consider others which were not urgent, although the Bill itself was admitted to be so. I think further, that it was damaged by the Motion of the noble Lord on the cross benches (Lord Monteagle) to reject a measure which in spirit and in principle ought to have been excepted from its operation. Having said so much about the Resolution, I may now state the history of this particular Bill. Every body admits that the legislation with regard to saving banks required considerable improvement. A Bill—I am not going to argue whether it was a good or a bad one—was introduced by the Government into the other House with that object. That Bill was objected to, and a considerable portion of it was withdrawn. The remaining part, fortified by the support of such men as Mr. Henley and Mr. Sotherton Estcourt, was, so far as I am aware, without opposition sent up to this House, where it was read a first time. As soon as it was read a first time the noble Lord on the cross benches stated that he had some objections to it,

and that it would require the introduction of Amendments. By that statement he clearly indicated his opinion that at that time, at all events, the Bill was one that would naturally go through some further stages. Subsequently, finding that the Amendment of the Bill would be regarded as a breach of privilege by the other House, he uses this Resolution as an instrument for defeating the measure. The usual notice was given, and the noble Duke behind me (the Duke of Argyll) stated in the clearest possible and most accurate terms the object and purposes of the Bill, and then urged reasons why the Sessional Order should be suspended in regard to it. The noble Lord followed, and took occasion, notwithstanding the accuracy of the noble Duke's statement, and notwithstanding that neither I nor any other member of the Government had spoken, to intimate that we knew nothing whatever about the subject, but giving out that he himself perfectly understood it; an assurance which the House, remembering the official position which the noble Lord formerly occupied, and his present connection with the Exchequer, naturally accepted. Nevertheless, the noble Lord began his speech by committing a gross error, showing that he was ignorant of the present state of the law and of its consequent effect on the Bill. I have reason to believe that several of your Lordships were induced to vote against the Motion in the belief that the Bill gave undefined powers, by which the Chancellor of the Exchequer would be enabled to deal with the money of the savings banks in connection, among other things, with the terminable annuities to be created for the purpose of defraying the cost of fortifications. I do not know whether the noble Lord shared that impression or helped to extend it; but I think such must have been his notion, because he made a similar mistake in arguing that Exchequer bonds might be good securities in certain respects, but that it would be wrong by this Bill to enable the Chancellor of the Exchequer to invest the money of the savings banks in them. I answered that the noble Lord was totally in error, inasmuch as Exchequer bonds and also terminable annuities were already available for that purpose, and that this Bill would not give the slightest additional power to the Chancellor of the Exchequer in the matter. I must say I think the noble Lord, in persuading the House to take the lamentable course which, as I believe, it adopted,

Earl Granville

ought to have made himself better acquainted with the subject on which he presumed to give such authoritative instruction to your Lordships. Unluckily, we had not a majority, and the numbers for and against it being equal, our Motion, according to the forms of the House, was lost. I come next to the alleged unfairness of the Government in not giving longer notice, and fixing a later day for the consideration of this subject. As I stated yesterday, it would have been quite impossible, on a question of this importance, for any individual Member of the Government to have immediately announced, on his own responsibility, what course we should pursue. It was absolutely necessary that the Government collectively should be consulted, and the earliest opportunity the Government had for that purpose was on Wednesday last. And how did matters stand when we thus came to deliberate? We knew that already a very strong feeling existed on this subject in the House of Commons. We knew that the highest authority in that House thinks your Lordships acted against the privileges of the Commons. [*Dissent.*] The noble Lord shakes his head, but I am not now arguing whether this view be right or wrong; I simply state the fact. The leader of the House of Commons certainly exerted his influence and ability in a most successful manner on behalf of conciliation, and with a view to prevent a collision between the two Houses, when on a former occasion your Lordships interfered in an unusual degree with the financial arrangements of the year. Is it fair, then, even towards the noble Viscount, to put him in a position in which he must either lead the House of Commons in a course exactly the opposite to that course of conciliation in which he has been already so successful, or attempt to defend that which in his judgment is indefensible? Independent Members of the other House, who also lately used their best endeavours to avert a collision between the two branches of the Legislature, are likewise strongly opposed to the course which your Lordships took on Monday. It is, perhaps, natural that the Members of the other House, justly valuing their high privileges, should be disposed to press them to their utmost limits without much regarding in what position they may place this House. Their language is this:—

"This is the fullest confirmation of what we said—namely, not that the House of Lords thought

there was an extraordinary emergency, to be met only by extraordinary means, but it is a proof that they are designedly entering upon a system of interference with the financial arrangements of the country."

Under these circumstances, I think it would not only be unwise, but unfair towards this House, if the Government had not resolved to give it an opportunity of reconsidering its decision. As to the assertion that we have fixed too early a day for the discussion, all I can say is that as soon as the Cabinet came to its determination on Wednesday, that very evening notice was written to the Earl of Derby, the acknowledged leader of the Opposition in this House, that your Lordships were to be asked to reconsider this question; and next day, as soon as the exact line we should take was decided upon, another communication was made to the noble Earl. I may add that even those noble Lords behind me who take a kind interest in the dissemination of information, particularly in reference to matters likely to lead to a division, were not acquainted with our intention, either by word or writing, till the day after it was notified to the noble Earl whom I have named. I appeal to the House, therefore, whether we have acted in a manner that is not straightforward, or that is "full of art." If we had postponed the Motion till next week, should we not have been met with this objection:—

"This is too bad. You mean to propose the direct reversal of their Lordships' decision, but you are going to put off your Motion still further when you know that Peers are leaving town every day."

Putting aside that imputation, however, which we might have easily borne, is it not manifest that, if the House is likely to rescind its decision, it ought to be done as early as possible? Is it desirable that this whole subject should be taken up in the House of Commons, and that our mode of transacting business should be there discussed and attacked in every possible manner, and at a period of the Session when so many Members of weight and consideration have left town? From what has been stated in so fair a spirit by the three noble Lords on the other side, I think this House will be able, with perfect dignity, to reverse its original decision on this matter. But should we have been in that position if, after an acrimonious debate in the other House of Par-

liament, we had been accused and threatened in every possible form? Would not such a state of things have made it infinitely more difficult for us then to retrace our steps? I have deemed it necessary to trespass at some length on the attention of your Lordships, to explain the reasons why I do not think the noble Baron was justified in using towards us the language which he thought fit to employ the other night, and which he might have been expected to retract in the course of the evening, when he became a little cooler. I deny that he had the slightest right to employ those offensive epithets, and I cannot help saying that the tone of triumph which he assumed depreciatory of us reminded me forcibly of the lines of the old poet:—

"Give me a look, give me a face
Which makes simplicity a grace.
Hair loosely flowing, robes as free,
Such sweet neglect more taketh me
Than all the adulteries of art,
Which strike the eyes, but not the heart."

The noble Lord did not exactly use that language, but he certainly adopted its spirit. In conclusion, I have only to add that I shall be most happy to yield to the suggestion which has been made to me, that this question should be postponed till Monday, when I shall move a similar Resolution to the one which your Lordships rejected the other evening, together with the second reading of the Savings Banks Bill itself.

LORD MONTEAGLE, who was very imperfectly heard, was understood wholly to deny the correctness of the noble Earl's representation of the course he had pursued on this subject. He could assure the noble Earl that if he felt that he had deserved his censure, whether expressed either in the language of prose or poetry, he should have considered it his duty to take the earliest opportunity of expressing his regret at having giving him any pain. He now begged to assure the noble Earl in all sincerity that he did not say anything that conveyed the meaning the noble Earl had attached to his words—he did not think he had said anything that ought to have justly excited the susceptibilities of the noble Earl. When he heard the question argued in favour of setting aside the Sessional Order of the House, and reading the Savings' Bank Bill a second time contrary to that Order, on the alleged grounds of urgency, he felt, as he still continued to feel, that the course the Government pro-

posed was utterly indefensible. He well remembered when Lord Redesdale's Resolutions as to the period when Bills should be received and read a second time in the House of Lords was originally brought forward he stated that appeals would be made year after year to make exceptions in its application, and the Order would be only a delusion and an inconvenience if independent Peers did not support its strict enforcement. He therefore stood by the Resolution of the House on Monday evening, as he had always done. He had not the slightest expectation that the division would result in the manner it did. It was as much a matter of surprise to him as to any of their Lordships. But that decision, adhering, as it did, to the Order of the House was pronounced by their Lordships, and it only re-affirmed the Resolutions adopted and enforced during several successive years. When the noble Earl yesterday announced his intention to move the reversal of the vote and of the Order of the House, and that without full notice, the appeal he made was the very moderate one of entreating the noble Earl to postpone the Motion for two days, in order to give the proceeding the appearance and the certainty of fair discussion. When he spoke of "art" and taking the House by surprise as matters to be guarded against, he meant that by giving fair notice of his intention the noble Earl would relieve himself of that which, considering the high character and position of the noble Earl, he was sure would be most painful to him; the possible imputation of having endeavoured to carry any point by other than the fairest means. Both Houses of Parliament were justly strict in adhering to their Resolutions, and avoiding anything in the nature of a surprise. It was with this view that Orders were framed and notices required; but even what was considered as an understanding between the two sides of the House, or even between individual Peers was very rarely abandoned or set aside. A word spoken, a sign made, must be considered, under all circumstances, as a bond between party and party; and any attempt to pervert the Orders of the House or to do anything inconsistent with perfect fairness was equally to be deprecated on both sides. Speaking with perfect coolness and on reflection, he did say, and at the risk of again encountering the vituperation of the noble Earl, he repeated, that by taking any unusual course which deprived either side

Lord Monteagle

of the ordinary advantages which the forms of the House gave them in turn, was objectionable and inconvenient; but he did not say that the noble Earl had justly exposed himself to that imputation, though it might raise such a suspicion, he was truly sorry if anything he had said could be considered at all personally offensive to the noble Earl, and he repeated, nothing was further from his intention. He should be prepared to state his general objections to the Bill itself when it came on for a second reading.

THE DUKE OF ARGYLL said, although this Bill was not technically a Bill of Aid or Supply, it was a Bill which had respect to money, and was one of the class of Bills any Amendment in which would be regarded as a question of privilege by the House of Commons. He trusted their Lordships would consider a Bill touching money which came up from the House of Commons, at however late a period of the Session, as deserving the consideration of this House. He was certain that if their Lordships so strained the Resolution of the noble Lord the Chairman of Committees, that they would not take into consideration a Bill touching money which had been passed by the unanimous vote of the other House, the Resolution could not and ought not to be retained.

LORD REDESDALE said, he was not about to enter into the general question of the Resolution, but he was quite ready to defend it when necessary. The time might come when the House of Commons might see right to adopt a similar Order themselves, as being the only way in which they could get through their business. When the other House complained of the way in which their Lordships transacted their business, they had better look at home and see how very ready their Lordships were to receive measures emanating from the House of Commons, and how that House received the measures coming from this House.

EARL GRANVILLE was unwilling to let the discussion close without acknowledging the handsome manner in which the noble Lord had acted.

VOLUNTEER CORPS—INSPECTION.

OBSERVATIONS.

THE EARL OF MALMESBURY, in rising to call the attention of the Government to the Expense and Inconvenience of calling out detached Corps of Volunteers in rural

Counties to a Distance from their headquarters for the Purpose of Inspection during times of Peace, said that anything which would tend to cool down the noble ardour which the Volunteer force had displayed or to discourage the movement, would be extremely to be regretted. It was, in his opinion, of the utmost consequence to the honour and safety of the country that the movement should not be a mere temporary or feverish effort, but that it should develope itself into a solid and established institution. It had reflected the highest honour upon the country in the eyes of Europe, and he hoped that every month would show an increase of strength and permanence. Now, it appeared to him that, in order that it should maintain that character, the exhibition of the greatest tact and judgment, not only on the part of the commanding officers of the various corps but also on the part of the Government was demanded—a tact and a judgment which his noble Friend opposite (Earl De Grey and Ripon), to whose superintendence the movement had been more especially committed, had in an eminent degree displayed. He had heard but one opinion from the officers and the private members of the corps as to his noble Friend's admirable conduct. But while he had no doubt that his noble Friend would continue to do everything in his power to render the Volunteer Corps as efficient as possible, there were one or two points in connection with the force to which he wished more particularly to direct his attention. It was supposed by some persons, and not unnaturally, that the various Volunteer Corps were of a uniform character. That was not so. They had most of them seen the splendid display made by the Volunteers raised in the Metropolitan counties, and they had been rather accustomed to suppose that the great mass of the Volunteer Corps in this country resembled in detail and in character the corps that they had seen marching in the Metropolis. But the Metropolitan corps and those which were raised in larger and populous towns, were composed for the most part of the sons and relations of our richest tradesmen, and of gentlemen possessing a certain amount of fortune, to whom the expenditure of time and money in devoting themselves to the service were matters of comparatively little consequence. That was not the case with the detached corps in the rural districts, which were formed from among the sons of the small

tradesmen and farmers, to whom their time was invaluable, and the expenditure of anything over a certain amount of money a question of importance. He should be sorry to throw any prosaic feeling into the spirit which had been excited throughout the country, but to many persons it was a question of pounds, shillings, and pence. In populous districts and large towns these corps could be formed into battalions, because a sufficient number of men could be raised for every regiment; but in rural districts, where the population was not large enough to form any body of men beyond a company, and each corps was several miles distant from another, if it were attempted to bring them together and battalionize them at a central point—say the capital of the county—those who were most distant would be put to a considerable expense in marching to and from that central point. He was induced to bring this matter forward because he had recently received a letter from the Lord-lieutenant of his county, informing him that after some correspondence between the War Office and the Horse Guards, the authorities were of opinion that it would be a great advantage if the detached corps were brought together and inspected as battalions. No doubt if it could be done conveniently and without expense to the corps, that course would be most advantageous; but still it must be recollected that these companies had never met together, that they could not act in battalions, and that when inspected they would have to be inspected as so many separate companies. If it were meant that the corps should meet together several days before the inspection, so as to practise together in battalions, it would be impossible that that plan could be carried out without great expense and inconvenience to the men. For instance, it would cost every man of the company to which he belonged some 25s. or 30s. to march to Winchester and back—that was a considerable sum to tradesmen in a small country town, particularly after they had just gone to the expense of clothing and equipping themselves. That sum would enable them to provide themselves with greatcoats, which they had been unable to make up their minds to on account of the expense; and it would be far better, on the whole, to wait until these detached companies were fully organized and equipped, and until they were perfect in their company drill before inspecting them in

battalions. He should be glad to hear, too, from the noble Lord, whether the Secretary for War had the power of ordering these corps out in times of peace. His impression was that he had not, except in times of disturbance. He understood that the War Office had appointed a very competent staff of Inspectors; they would fulfil all the purposes for which they were appointed by inspecting the various detailed corps at their own head-quarters. That was all that was required at the present moment.

EARL DE GREY AND RIPON said, he could assure the noble Earl that the Government had no desire to compel these small rural bodies of Volunteers to make marches which, in many instances, would entail much inconvenience and expense; nor, if they had that desire, was it in their power to compel those corps in ordinary times to attend at a distance from their head-quarters. It was only in case of invasion, actual or impending, that this body became part of the regular military force, subject to martial law and treated as any other military body. The origin of the correspondence to which the noble Earl had alluded was very simple. A considerable number of Volunteer Corps, not only in the Metropolis and in large populous districts, but even in some parts of the rural districts, had expressed a great desire to be inspected, and some of them had intimated what a great satisfaction it would be if they could have the advantage which the Corps in London and Edinburgh had enjoyed, that of being reviewed by Her Majesty. It was impossible, of course, with the demands on the Royal time, that all these requests could be complied with. The reviews which had already taken place, so far from checking the progress of the movement, had, on the contrary, been a great encouragement to it. They had been the means of bringing the corps together, and making them acquainted with each other, and they had brought prominently before the public eye the great progress which these corps had made. Under these circumstances, feeling that the assistant inspectors, though very efficient officers, were not of that rank which would enable them to review large bodies of Volunteers, the Secretary of War had written to the Commander-in-Chief, requesting him to take such steps as would enable commanders of districts to hold reviews of Volunteers; and the Commander-in-Chief in reply expressed his readiness to appoint general officers, when sufficient Corps de-

The Earl of Malmesbury

sired to be brought together for inspection, to review and inspect them; but it was distinctly laid down in the correspondence that there was no power by law to compel corps to attend. If there were corps which desired to come together to be inspected, opportunities were to be afforded them for the purpose, and commanding officers of districts were desired to inspect them. It was also agreed that the Government should give every facility for carrying out their wishes. Since that arrangement there had been a large review in the county of Lancaster, and he was informed that Lord Derby intended to have a review at Knowsley on the 1st of September, which he had no doubt would be most successful. Certainly it would be a much more agreeable occupation than any other which Gentlemen were likely to have this year on the 1st of September. There might be corps which would not be able to bear the expense of such reviews, and it was certainly not desirable that they should be called upon to undertake any expense which would retard their full equipment. But if such corps were desirous of being inspected, it would be the duty of the Government to afford them the opportunity. He had only to state, in conclusion, that he could not agree with the noble Earl that these detached corps would not appear to advantage when brought together for the first time in battalions. Of course they could execute only simple movements, but both in London and Edinburgh, where there were several battalions the companies of which were never together before, such was the intelligence of the men, and such the zeal and attention of the officers, that these corps were by no means the worst that were present—and that was no small praise.

House adjourned at Half-past Seven o'clock,
to Monday next, a Quarter before
Four o'clock.

HOUSE OF COMMONS,

Friday, August 17, 1860.

- MINUTES.] PUBLIC BILLS.—1^o Chancery Evidence Commission; Coast of Africa, &c., Act Amendment; Offences within Her Majesty's Possessions Abroad.
2^o Metropolitan Police Force (Dockyards (No. 2): Naval Discipline.
3^o Conjugal Rights (Scotland); Attorneys, Solicitors, Proctors, and Certificated Conveyancers.

WAYS AND MEANS.

Order for Committee read.

House in Committee of Ways and Means.

Mr. MASSEY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER said, he rose to move the following Resolutions :

"1. That, towards making good the Supply granted to Her Majesty, the Commissioners of Her Majesty's Treasury be authorised to raise any sum of money, not exceeding £2,000,000 sterling, by the issue of Exchequer Bonds or Exchequer Bills.

2. That the principal of all Exchequer Bonds which may be so issued shall be paid off at par, at the expiration of any period not exceeding six years from the date of such Bonds.

3. That the interest of such Exchequer Bonds shall be payable half-yearly, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof."

He wished to state that, so far as regarded the sum of £1,000,000, the purport of the Resolutions was to make provision, according to intimations made on the part of Government early in the Session, to replace a million of Exchequer bonds, which were at present the property of the Commissioners for the Reduction of the National Debt, which would expire in November next; but instead of asking for £1,000,000, the Government thought it right to ask the House for power to raise a sum not exceeding £2,000,000. That was referable to the present prospects of the harvest and the state of prices likely to exist in the country should the harvest prove unfavourable. Looking to the possibility of an advance in the prices of all kinds of food, and the effect likely to be produced on the employment of the people, it was thought desirable, in case of unfavourable influences affecting the revenue and the balances in the Exchequer, to ask for this large margin in case of need. He had no reason to suppose that it would be necessary to make use of the power now asked for, but at the same time it was desirable, in case of unfavourable circumstances occurring, to place the most ample means at the command of the Exchequer. The Committee would agree that at a time when a large military expenditure was going on and the money market might be disturbed by large importations of corn, the Government should run the risk of being obliged to have recourse to a loan.

SIR HENRY WILLOUGHBY said, as he understood the proposal of the right hon. Gentleman, it was, that there was a possibility of an addition to the public debt

of £1,000,000, in the shape of bonds. He was extremely sorry that, on the 17th of August, the right hon. Gentleman should find himself in the necessity of contemplating an additional burden on the country, and he likewise regretted that burden should take the form of Exchequer bonds, because there was no item of the public expenditure which, in the statement of accounts for the year, created greater confusion; and he had objected to those bonds when first they made their appearance. He understood the right hon. Gentleman also to say that the possibility of a bad harvest rendered it desirable that the Government should be possessed of this power for raising this further sum of money; but he had dropped an expression which appeared to him (Sir Henry Willoughby) to be the real cause of this proposal, and that was the "military expenditure." The present had proved a very curious financial year. The Session began with a vast reduction of taxation, and ended it with a vast increase. The Chancellor of the Exchequer originally stated the expenditure of the country at £70,100,000. Since that time he had taken £3,150,000 on account of the China war. Was he (Sir Henry Willoughby) then not correct in stating that the expenditure for the year ending the 31st of March, 1861, was to be £73,250,000, and that the Chancellor of the Exchequer had taken Ways and Means to the same amount, with the exception only of the £14,000 to be taken out of the Exchequer balances?

Mr. W. WILLIAMS remarked, that the expenditure was enormously greater than was ever known before; and in all their discussions they had omitted to take into consideration the £2,000,000 of the terminable annuities. Including the China war and the fortifications, the expenditure of the year would be nearly £80,000,000. It was the duty of the House of Commons to put a stop to such extravagance.

Mr. HENLEY said, he thought the House had reason to complain of the manner in which that important proposal had been brought forward. The House sat till nearly 4 o'clock that morning; and very many of the Members were present till 2, at which time no notice whatever was given of the Motion. In fact, without any notice, except in the papers of the morning, which many hon. Members did not see till 10 o'clock, the Chancellor of the Exchequer asked at 12 o'clock for a Vote of Credit for £1,000,000, or it might be £2,000,000.

As to the harvest prospects, they had not varied within the last few hours. Such conduct was not creditable to the Government. It showed that the financial calculations had been finedrawn—that they were, in fact, a “very close shave.”

THE CHANCELLOR OF THE EXCHEQUER said, he was surprised that the right hon. Gentleman should say no notice was given of these Resolutions, seeing they had appeared on the notice paper in the usual way. He had proceeded on the principle that it was not his duty to ask for an increase of means until the last moment. A change of weather, almost at the last moment, might have rendered it unnecessary for him to ask for the increase at all. He had attended to what he considered the convenience of the House. He did not think that hon. Members would like to take the matter on Saturday; but if the Committee thought proper to do so, and thereby run the risk of prolonging the Session, he had no objection. In reply to the question of the hon. Baronet, he had to remark that the year was no doubt an anomalous one, partly because they were carrying on the operations of a war which had grown up during the Session, partly because it was complicated by a special plan for the erection of fortifications. The total charge which had been voted in one form or other was this:—£70,100,000 was the charge on the 10th of February. He did not say that this had been precisely voted, because there had been some minute changes by way of diminution in the Estimates. Then £3,300,000, not £3,150,000, was the additional amount voted in Supply for the China war. £2,000,000 was the sum voted for fortifications—not, however, for the present financial year; and £1,000,000 had been voted in Supply, to replace £1,000,000 of Exchequer bonds falling due in November. These items made a total of £76,400,000. That, as the hon. Member for Lambeth had remarked, was an enormous sum; but the hon. Member knew, as well as he (the Chancellor of the Exchequer) knew, that it did not depend on the will of individual Members of the House to make a change in that respect, which depended partly on the circumstances of the country, and mainly, perhaps, on the view the country was inclined to take of these circumstances, and although there never was a time when our expenditure was so large without the existence of an European war, perhaps there never was a time when the public

Mr. Henley

desires, as a whole, tended more to augmentation.

MR. HENLEY said, he was surprised the Chancellor of the Exchequer should have represented him as saying that no notice had been given of those Resolutions. He distinctly admitted that notice had been given, but said that it was insufficient, and that many hon. Members might not have seen it.

THE CHANCELLOR OF THE EXCHEQUER replied, that he had only said what he distinctly understood had fallen from the lips of the right hon. Gentleman, but, of course, after what had fallen from him, he was bound to understand his language in the sense in which he had explained it.

(1.) *Resolved,*

“That, towards making good the Supply granted to Her Majesty, the Commissioners of Her Majesty’s Treasury be authorized to raise any sum of money, not exceeding £2,000,000 sterling, by the issue of Exchequer Bonds or Exchequer Bills.

(2.) *Resolved,*

“That the principal of all Exchequer Bonds, which may be so issued, shall be paid off, at par, at the expiration of any period not exceeding six years from the date of such Bonds.

(3.) *Resolved,*

“That the interest of such Exchequer Bonds shall be payable half-yearly, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof.

Resolutions agreed to.

House resumed.

Resolutions to be reported To-morrow; Committee to sit again To-morrow.

Order for Committee (Supply) read.

NEW ZEALAND BILL.

QUESTION.

MR. MALINS said, he wished to ask. Whether the Government really intend to proceed with the New Zealand Bill this Session? All the colonists now in London were against the Bill, and there really was no urgency for upsetting a system which had been in use for twenty years.

SIR GEORGE LEWIS said, the Bill was introduced in the other House by the noble Duke who presided over the Colonial Department, and was now temporarily absent. The Bill was considered by the other House, and sent to the Commons at a period which, though certainly late, admitted of its being considered. The only answer that he could give to the question

of the hon. and learned Member was, that he thought no advantage would arise from anticipating the debate which Her Majesty's Government intended to bring on on Monday evening.

PALACE YARD.—QUESTION.

SIR JOHN SHELLEY said, he wished to ask, Whether it is true that the First Commissioner of Works means to pull down the houses on the south side of New Bridge Street, and erect Public Offices on the site? He thought it would be preferable to leave the whole space open to Westminster Hall, under certain arrangements.

MR. COWPER said, the houses in question would not be purchased for two or three years, and that it would then be time enough to decide in what way the space should be occupied. In the meantime, he must say that he could not approve the arrangements proposed by the hon. Baronet.

RED SEA TELEGRAPH, &c.

QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask, If there is any intention of signing a Convention with the Austrian Government for the establishment of a Submarine Telegraph from Ragusa to Alexandria; also, what progress is making with the Red Sea Telegraph?

MR. LAING said, the Government had received intelligence that the undertaking with regard to the Red Sea Telegraph had failed, but steps were being taken to restore it, though it was doubtful to what extent they would be successful. A convention had been signed some time before with the Austrian Government, by which it was agreed that each Government should pay £15,000 a year for twenty years towards the promotion of telegraphic communication from Ragusa to Alexandria. Since then they had heard that the Austrian Government had consented to modify the arrangement so as to extend the guarantee to the company to fifty years. Considering the inconvenience of these guarantees, it was doubtful how far such an arrangement would be accepted.

MR. DANBY SEYMOUR asked, if it was not possible to break the contract? The Government ought to construct a telegraph of its own to India, and not be dependent on any other country.

THE CHANCELLOR OF THE EXCHEQUER said, that the essential condition of the contract was that it should not depend

on the success of the undertaking. He doubted the wisdom of such a contract, but it had not been made by the present Government.

MR. EDWIN JAMES said, it was most extraordinary that a contract should be made by any Government guaranteeing a certain amount without any corresponding undertaking on the part of the contractors for keeping the works in repair. He should take another opportunity of calling attention to the subject.

Ordered, that the Committee do report at Six of the clock.

SUPPLY.—CIVIL SERVICE ESTIMATES.

House in Committee.

MR. MASSEY in the Chair.

(1). Motion made, and Question proposed,

“That a sum, not exceeding £10,750, be granted to Her Majesty, to pay the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves, to the 31st day of March, 1861.”

MR. LAING said, the explanation given by him at a previous sitting, with reference to this Vote, was, he found, quite correct. The balances to which allusions were made had been drawn, and there must be a settlement of accounts with the Treasury.

MR. DANBY SEYMOUR said, he would move that the Vote be reduced by £1,300, the salary of the Judge and arbitrator at the Havannah. He would also like to know what steps were being taken to compel Spain to fulfil her contract with reference to the suppression of the slave trade?

Motion made, and Question proposed,

“That the item of £1,300, for the Judge and Arbitrator of the Mixed Commission at Havana, be omitted from the proposed Vote.”

SIR GEORGE LEWIS said, the Courts of the “Mixed Commission” were held under treaty, and there was an obligation on the part of this country to pay the salaries of the judges and arbitrators. With regard to the suppression of the slave trade, every exertion was made, not only with Spain, but with other countries, by the Government of this country to secure so desirable an object. No man had displayed more anxiety on the subject than the noble Lord the Secretary of State for Foreign Affairs, but it certainly would be a singular mode of checking the slave trade to withdraw our Commissioner from the Havannah.

MR. LONGFIELD said, he thought they had every reason to complain of the conduct of Spain; but certainly it was not probable that throwing difficulties in the way of this Vote was the best mode of inducing the Government of that country to discharge the obligations of her contracts.

MR. DANBY SEYMOUR said, he would withdraw his Amendment.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £153,229, be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Consular Establishments Abroad, to the 31st day of March, 1861."

MR. DODSON drew attention to several items in this Estimate, and complained that without any new appointments there had been a large increase of expenditure. He wished to ask particularly for an explanation with regard to the expenditure for Consuls at New York, Odessa, and in China.

COLONEL DUNNE asked how long a Consul was required to serve before he became entitled to compensation.

MR. W. WILLIAMS said, there was an increase of £24,000 in the Consuls' salaries in the last four years, without the least increase of duty. In fact, in many places the duties had diminished, owing to the decline of our commerce. But unfortunately the House would not interfere to check any extravagance on the part of the Government, however flagrant. There were payments of £1,000 to the Consul at Petersburg, £350 to one at Frankfort, and other places, where we had little or no trade. The Ambassadorial establishments at those places ought to be sufficient.

MR. LAING observed that if Government had followed out the recommendations of a Committee of the House, the augmentation of the Vote for Consuls would have been much greater than it was, but they had only followed it to a modified extent. A good deal of the increase of late years was only apparent, as the fees were, in many cases, now paid into the Treasury. At Odessa the fees exceeded the salary of the Consul, and the salaries in New York and other places were very much made up by the fees.

MR. AYRTON complained of the manner in which the Committee was left to transact important branches of business in the absence of Cabinet Ministers to whose departments the very subjects under discussion belonged. The noble Lord at the

Sir George Lewis

head of Foreign Affairs, who had certainly exerted himself in the beginning of the Session in occupying many days of the time of the House, had left them now to dispose of this business as well as they could. The Committee seemed to have thought it always necessary that either a merchant should be appointed as Consul or a stipendiary officer. He thought in many places a native, and not a merchant, might have been advantageously and economically employed—a lawyer, for instance, who, being acquainted with the commercial laws of the ports, would be competent to advise with merchants, but who would be free from any commercial bias, having no special connection with commercial business.

MR. DODSON complained that there was still a Vote taken for a Consul at New York, whose office was abolished. One gentleman was receiving a pension who had retired from this office, and there was a Vote taken for salary to another.

Motion made, and Question proposed,

"That the item of £1,200, for the Consul at New York, be reduced by the amount of £900."

MR. LAING said, he would make inquiry respecting the objection of the hon. Member.

Motion by leave, *withdrawn*.

Original Question put, and *agreed to*.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £23,320, be granted to Her Majesty, to defray the Expenses of the Establishments in China, Japan, and Siam, to the 31st day of March, 1861."

MR. WHITE said, he wished to call attention to the expenses for Consulships at Newcheang, Tanchoo, Chinseang, and Swatow. The Consuls in these places were to have been appointed as the result of the ratification of the Treaty of Tientsin, which treaty had not yet been ratified. At Swatow they were content to have a Consul there, but to the other places Consulships could not be sent until the result of the Chinese war became known. In that new war, he contended, they should never have engaged. Had the Earl of Elgin done what he was urged to do by every one practically acquainted with China, the war would never have been rendered necessary. The East India and China Association impressed on the Earl of Elgin the necessity of staying in China until he had finished the work for which he went out. Had he followed that advice, an immense expenditure and a loss of life would have been spared. Again, if the distinguished Admiral, now

a Member of the House (Sir Michael Seymour), had had the prestige of aristocratic rank, power might have been conferred upon him to arrange affairs in China; and from the sagacity and justice he had displayed in his dealings there, he would, in all probability, have been successful.

MR. LAING said, the Committee could hardly expect him to touch upon the Question of general policy. The Estimate was prepared upon the supposition that the treaty would come into operation, and the occurrences which followed had been totally unexpected. At any moment, an announcement might arrive that the treaty had been ratified; and therefore it was quite necessary to frame the present Estimate.

MR. AYRTON asked on what footing the Chinese Embassy was at present. He wished to know whether these two Envoys to China were both paid, and why this double establishment was necessary. It might be a nice family arrangement to send out one brother to look after another, but he wished to know whether it was necessary for the public interests.

MR. W. WILLIAMS said, if Mr. Bruce was the person receiving the salary of £8,000, he thought in common justice that sum ought to be rejected altogether. To call the conduct of Mr. Bruce a blunder would not properly express the nature of that conduct. To call it insolence would but very faintly characterize it.

SIR GEORGE LEWIS said, he understood that the opposition to the Vote was intended substantially as a vote of censure against the Earl of Elgin and Mr. Bruce, but he thought more fitting opportunities of proposing such a censure than in Committee of Supply on the 17th of August might be found. The treaty was stipulated by the Earl of Elgin during the Administration of the Earl of Derby. He completed the work he had to do, and came home. Mr. Bruce was sent out to proceed to Peking in terms of one of the stipulations of the treaty, and when he was in the act of doing so the affair of the Peiho took place. He did not see that the Earl of Elgin was open to censure for the course he had taken in China, or that Mr. Bruce was in any way to blame for his conduct in following up the instructions communicated to him. It was thought that the Earl of Elgin, by proceeding a second time to China, might perhaps avert the evils of war by inducing the Chinese to carry out the treaty, but when he reached

Hong Kong he saw little hopes of doing so. His mission was an extraordinary mission, and did not at all interfere with that of Mr. Bruce, and it was possible he might yet succeed in bringing the Chinese authorities to a recognition of the obligations of the treaty. As to the expenses, they were put down in accordance with those usually incurred in such circumstances in the East, and were not at all out of place.

MR. CONINGHAM said, it was the fault of the Government that the Estimates were brought on at such an inconvenient time of the Session. When the Vote for Kensington Museum, or any other great project was under consideration, the whole of the Ministers were present; they took care to vote their own salaries; but now there was no one to give any explanation. He should be inclined to vote for the reduction, if it were pressed.

MR. AYRTON asked, if there was any expense for the Plenipotentiary Extraordinary looking after the Plenipotentiary Ordinary. They might put questions of this nature to the Government; but it was really impossible for them to enter into a discussion of these questions in the present state of the House. The condition of things was this, that the mode in which the most important business of the nation was carried on was a mere farce, the number of Members present at these morning sittings hardly ever exceeding what should be found on a Committee upstairs. He wished to know distinctly what were the expenses of Lord Elgin and for what they were incurred.

SIR JAMES GRAHAM said, he also wished to ask whether the Estimate had been framed on the assumption that we were at peace with China. There was a Vote of £8,000 a year proposed for Mr. Bruce, on the assumption that we should be at peace with China; but Mr. Bruce was there under very altered circumstances, as we were at war with China; and an Ambassador Extraordinary had been sent out to assist in the war, and to endeavour to bring round a state of peace with China. He wished to know from what source the expenses of the Envoy Extraordinary were to be paid?

MR. LAING said, the Estimate was framed on the assumption that we were at peace with China. If a war with China was established, no doubt the ordinary rule would be applied to the payment of Mr. Bruce's salary. The expense of defraying the Earl of Elgin's embassy would be paid

out of the Civil Contingencies ; but, in the absence of the noble Lord the Foreign Secretary, he could give no more explicit statement. He was able to state, however, that the expense of the former extraordinary embassy to China was £6,485.

MR. EDWIN JAMES remarked, that it was a most unsatisfactory state of things. It was unfair that the whole onus of answering these questions should be laid on the Secretary to the Treasury. No one could answer the questions put to him more frankly than he did ; but it was too much to desire him to answer questions which he could not possibly answer, and which probably could not be answered in the absence of the noble Lord, the Foreign Secretary. Unless a satisfactory answer were given to the question put as to the arrangement made with the Envoy Extraordinary to China, he should move the postponement of the Vote.

SIR GEORGE LEWIS said, he did not know that his noble Friend the Foreign Secretary could give any definite information on the subject. He did not believe that any estimate of the probable expenses of the Earl of Elgin's extraordinary mission was in existence. The Earl of Elgin was accompanied by Baron Gros on a mission similar to his own, and probably the same expenses would be incurred by both ; but he did not believe that there existed any estimate. As to the salary of the permanent Ambassador, Mr. Bruce, he had to observe that legally we were not at war with China. He apprehended that if a question were raised at the present moment as to the seizure of a ship of either country, the decision would be that we were not in a belligerent relation to China. If it were found that we were at hostilities with China, then the rule usually followed in such cases would be put in force—the salary would either cease altogether, or be reduced. But, supposing peace was signed—say in October—the functions of Mr. Bruce, as ordinary Ambassador, would be resumed, and the Earl of Elgin would return to England. As at present we hardly knew whether we were at war or peace, he did not see how it was possible to give any other answer to the questions raised, than had been given. He did not believe that any other Cabinet Minister could give a more definite answer than had already been given.

LORD CLAUD HAMILTON said, a colleague of the right hon. Gentleman—a noble Duke—had distinctly stated in “another place” that we were at war with China.

Mr. Laing

Though that was not the time to discuss the subject, he could not help saying that there were too many reasons to believe that we were entirely in the wrong in our quarrel with China.

SIR JAMES GRAHAM said, they were getting further and further into a labyrinth of hopeless uncertainty and so far from the difficulties of the subject being cleared the darkness was becoming thicker. It was now made doubtful whether we were at war with China or not. His right hon. Friend told them that the Earl of Elgin left this country in the hopes that something would take place to bring warlike appearances to an end ; but by the time he reached Hong Kong all those hopes were at an end, though, according to his right hon. Friend, we were not yet at war with China. But if war had not taken place the aspects of the case were truly fearful, for without a declaration of war any man who put an end to the life of a Chinese would be guilty of murder. Then, if war was to be declared, why were they asked to vote a salary for a Minister who could only act in time of peace, on the assumption that amicable relations would be maintained ? He could not understand why they should vote £8,000 a year to Mr. Bruce as a Minister of Peace when they were told that there was no hope of peace being maintained. He assumed that war would be declared, and in these circumstances he objected to voting a salary to the Ambassador from March, 1860, till March 1861.

SIR GEORGE LEWIS observed that, had the Government known that we should be at war with China before the 1st of April last, and that it would continue till the 1st of April next, it would have been unreasonable on their part to frame this estimate ; but the facts were, in the first place, that they had not heard of the commencement of hostilities in China ; and in the next, that if we did come to blows with the Chinese, their defeat was all but a matter of absolute certainty, so that the war would be necessarily of short duration. He thought it unreasonable to refuse a vote of this kind in these circumstances. He would undertake thus far, that if the services of Mr. Bruce were not required in China, his salary, according to the ordinary rules of the diplomatic service, would either be suspended or reduced. He did not know exactly what the ordinary rule was in such cases, but he would undertake that it would be followed.

Mr. AYRTON repeated that he wished to know what was the arrangement on which the Earl of Elgin went to China.

SIR GEORGE LEWIS had already told all he knew on the subject. He was able to state further, on the authority of his hon. Friend the Secretary to the Treasury, that no arrangement had been made by the Treasury for the payment of the expenses of the Earl of Elgin's mission; nor did he see how it was possible such an arrangement could have been made. He could not say whether anything had passed between the Earl of Elgin and his noble Friend the Secretary for Foreign Affairs, or his right hon. Friend the Chancellor of the Exchequer on the subject; but if they were able to give any information to the House he was sure they would be ready to do so when they were present.

SIR GEORGE BOWYER said, he could not understand the statement of the right hon. Gentleman that we were not at war with China. The very fact of a force proceeding to invade China was an act of hostility against that empire.

SIR JAMES GRAHAM said, he wished to descend from these heights of international law to ask the question whether the House of Commons had ever before sanctioned the payment to Mr. Bruce of £4,000 a year over and above the £4,000 he received as Superintendent of Trade in China. Even on the ground that we were at peace with China, he was ready to maintain that £8,000 a year was an extravagant salary to pay to Mr. Bruce.

Mr. AYRTON said, he should move that the Vote be reduced by £4,000, being the sum payable to Mr. Bruce as Superintendent of Trade in China.

Mr. LAING said, the Vote of £8,000 was passed by the House last year. The present was the second time that it had been proposed to the House.

Mr. WHITE remarked, that the Chinese had evinced a great disposition to continue friendly commercial relations with us.

Motion made, and Question put,

"That the item of £8,000, for the Envoy Extraordinary and Minister Plenipotentiary, and Chief Superintendent of Trade, be reduced by the sum of £4,000."

The Committee *divided*:—Ayes 32; Noes 36: Majority 4.

Original Question put, and *agreed to*.

(4.) £30,000, Embassies and Missions Abroad.

Mr. W. WILLIAMS took exception to the charge for the Embassy in Tuscany, on the ground that it was now unnecessary.

Mr. LAING explained that the expenditure took place in the years 1858 and 1859. The system, on the whole, was unsatisfactory, for they got the details of the expenditure a long time after it took place. He had conferred with Mr. Hamilton, of the Foreign Office, and a circular had been sent to all ministers to foreign Courts, asking them to send in their accounts earlier than they had been in the habit of doing, and requesting that the accounts should be kept in a more regular form.

Vote agreed to.

(5.) £3,353, Polish Refugees, &c.

Mr. SPOONER asked for an explanation of the Vote.

LORD HENRY LENNOX said, the Votes for refugees were somewhat extraordinary. There were Votes for Corsicans, Toulonese, and Poles, and refugees of all nations and denominations.

SIR GEORGE LEWIS said, that happily that class of Votes was nearly extinct. When he was at the Treasury he caused inquiries to be made, and he certainly found that those accounts were sufficiently checked, and that no fraud, as far as the Treasury was concerned, was practised. There was an item for an American loyalist, which dated from 1782. He supposed the payment was made to some person who was old enough to have compensation granted to him at the end of the American war, and was now alive.

Vote agreed to.

(6.) £4,081, Miscellaneous Allowances.

Mr. EDWIN JAMES asked what was meant by an annuity granted by Charles II., and charged on the coal duties.

SIR JAMES GRAHAM wished to know the amount of the unexhausted balances on this Vote; he was told it was about £3,000.

Mr. LAING promised that any sum that was not required would be surrendered.

SIR JAMES GRAHAM said, he heard that announcement with great pleasure. It was the commencement of a system whereby a remedy would be applied for the removal of a great evil.

Vote agreed to; as were also the following Votes.

(7.) £1,839, Public Infirmaries (Ireland).

(8.) £2,600, Westmoreland Lock Hospital (Dublin).

(9.) £700, Rotunda Lying-in Hospital (Dublin).

(10.) £200, Coombe Lying-in Hospital (Dublin).

(11.) £5,600, Hospitals of House of Industry (Dublin).

(12.) £1,900, House of Recovery and Fever Hospital (Dublin).

(13.) £600, Meath Hospital (Dublin).

(14.) £100, St. Mark's Ophthalmic Hospital (Dublin).

(15.) £1,300, Dr. Steeven's Hospital (Dublin).

(16.) £265, Superintendence of Hospitals (Dublin.)

(17.) £6,847, Charitable Allowances, &c. (Ireland).

(18.) £31,747, Nonconforming, &c., Ministers (Ireland).

MR. HADFIELD took objection to the increase of the Vote. It was a mistaken policy to pander to religious communities at the expense of the State. One society assisted by the Vote had raised in one year £30,000 for a purpose of their own — manse; they could do everything but support their own ministers. That sect to which he referred was remarkable for paying its ministers worse than any other. He moved that the Vote should be reduced, but did not press his Amendment.

MR. CARDWELL declined to enter into a discussion of the circumstances under which the grants had been made, some of which dated from the time of Cromwell.

COLONEL SYKES inquired whether it was proposed to subsidize churches in China in the same way?

Vote agreed to; as was also,

(19.) £6,010, Local Government Act.

(20.) £3,750, Ecclesiastical Commission.

MR. W. WILLIAMS objected to the Vote, and especially to that part relating to the Church Building Acts.

SIR GEORGE LEWIS said, it was not necessary to enter into the general merits of the Ecclesiastical Commission. The Commission had now to discharge the duties of those who formerly carried out what were called the Church Building Acts, and the Vote to which the hon. Member for Lambeth referred was applicable to the expenses of that department of the Commission which was engaged in giving effect to those Church Building Acts.

MR. CHILDERS expressed a hope that the Vote would not be passed at that time, in order to a full consideration of the sub-

ject. He understood a promise had been given that no Vote would be asked for on behalf of the Ecclesiastical Commissioners.

SIR GEORGE LEWIS said, he was not aware of such a promise having been made.

MR. AYRTON said, the Government hoped to get out of the difficulty that stared them in the face by proposing a Vote for the Commissioners as Church Building Commissioners. He was opposed to giving them any grant at all. When he considered the profuse and scandalous manner in which they had squandered the funds committed to their charge, and especially the manner in which they had raised the salary of the Dean of York, he thought the Committee should pause before they consented to a grant like this.

And it being Four of the clock, the Chairman left the Chair to report Resolutions, and ask leave to sit again.

IRISH CONSTABULARY.

OBSERVATIONS.

COLONEL FRENCH said, he understood that it was not the intention of the Government to make that night the usual Motion for the Adjournment of the House till Monday, and therefore he rose to propose that Motion himself, not with the view of pressing it, but to enable some questions, of which notice had been given, to be brought forward. A question stood in his name with respect to some extraordinary changes made in reference to the Irish Constabulary and the resident magistrates. He wished to ask the Chief Secretary for Ireland if the report was correct that the Lord Lieutenant of Ireland had transferred to the Inspector General of Constabulary the appointment of one-third of the resident magistrates, to be selected by him from the force under his command; and, if so, whether the Secretary for Ireland could state the grounds on which such a change of system had been made; and further, whether any reports showing the necessity of such a proceeding, or any communications from the Lord Lieutenant to the Home Office respecting it, had been made and were to be laid before Parliament? He did not think that the noble Lord the Lord Lieutenant of Ireland, in exercising his ingenuity for perplexing matters, could have displayed it in a way more objectionable than in selecting resident magistrates from the constabulary, whose duty had been the detection and apprehension of

offenders, and whose minds, therefore, necessarily could not be of a judicial character. It appeared that the noble Lord was not content that any Irishman should be placed in a condition of trust, and it seemed that the Irishman at the head of the force was to be got rid of, and to be succeeded by Colonel Wood.

Motion made "That this House will at the rising of the House this day adjourn till Monday next."

MR. VINCENT SCULLY seconded the Motion for the adjournment, and expressed his opinion that the subject brought before the House by the hon. and gallant Colonel was of an important nature. The fact of a man having been brought up in the police force ought to operate almost as a disqualification for acting in a judicial capacity. He concurred in the condemnation of the system of filling Irish offices with Englishmen. At present the heads of all the Departments were English, with the exception of the head of the Police, and it was now proposed to get rid of him too in favour of an Englishman. But the blame rested with Irishmen themselves. Englishmen took their opinion of the Irish Members from Irish newspapers, and those newspapers had no reporters in that House, but only what they called their "Own Correspondents," who were probably no correspondents at all, unless, perhaps, occasionally one of the Members themselves. Irish subjects had little interest to English newspapers, and it was therefore almost useless to speak of them, because Irish Members were not reported. The people of Ireland thus had no knowledge of what was going on in Parliament, and the consequence was that while the English press treated Irish Members with indifference, from the Irish press they got positive hostility. "Alas, poor Ireland!" said a first class Conservative paper, in the sister country, "what a show her Members make of her!" This was in reference to the Party Emblems Bill, the writer being evidently in a state of benighted ignorance as to what the Irish Members had said or done. He knew that his remarks now would be wasted on the empty wind, and that he should not be reported. The Irish papers, being in ignorance of what passed in this House, lost no opportunity of assailing Irish Members for what they were supposed to have done or to have failed in doing, and the people of England were too much inclined to believe what was said of them. The American President lately met

300 American editors, and in his speech to them said that when he was Ambassador in England a very eminent member of the English Government—perhaps the noble Lord (Viscount Palmerston) himself—said to him, "Really, judging from your newspapers, one would suppose that you Americans always select the most vile and profligate man to be your President." To which President Buchanan replied that such a conclusion was natural, but that the newspapers did not mean anything by it; it was only their way. That was just the position of the Irish Members, for if you read the Irish press you would imagine them to be the most worthless and incapable persons to be met with in the whole country. He would now ask a question of the Chief Secretary for Ireland in reference to the constitution of the Board of National Education. There were general rumours that an alteration of the constitution of that Board was about to be made by Her Majesty's Government, but if there was to be fair play there ought to be a resident Roman Catholic Commissioner as well as a Protestant resident Commissioner, who would be more important, as regarded the interests of the Roman Catholics, than all the other Commissioners put together. He therefore wished to ask the Chief Secretary for Ireland whether it was intended to appoint a paid resident Roman Catholic Commissioner of the National Board of Education in Ireland.

MR. BERNAL OSBORNE said, he considered the House was deeply indebted to the hon. and gallant Member for Roscommon for having brought the subject forward, as he, for one, was of opinion that the present constitution of the Irish police was anything but satisfactory. He did not wish to say a word of disparagement against Colonel Wood, who had been appointed to command that force, as there was no doubt he was a most distinguished and meritorious officer, but he did object that it was every day becoming more and more a military force. The Irish constabulary was neither a police nor a military force, and instead of being a detective police force was more like a badly drilled regiment of the army. The mode of dressing them was most absurd, and he thought the system effectually prevented the men from acting as police. Did any one ever hear of the Irish police detecting crime beforehand? He meant, did they ever hear of the Irish police detecting a plot beforehand? He did hope that his hon. and

gallant Friend (Colonel French) would go further next Session, and move for a Committee to inquire into the force, for day by day it was going on in a wrong direction, by being made more military than it ought to be.

MR. CARDWELL said, with regard to the selection of resident magistrates, before the Act of 1836 they were selected from the police force; but the Act of 1836 vested the power of selection in the hands of the Lord Lieutenant without any limitation to those who had already been in the commission of the peace. What his noble Friend had done was this—on every third vacancy he had consulted Sir Henry Brownrigg, the head of the constabulary force, and the gentlemen who, on the ground of long service, &c., had been selected, were of a rank of life to render them proper persons to fill the situation, and had also been subjected to a competitive examination. With respect to Colonel Wood, he believed no better selection could have been made. He had been previously unknown personally both to the Lord Lieutenant and himself. [MR. BERNAL OSBORNE: Why, he was Quartermaster General.] Colonel Wood was personally unknown to him. His services were of course well known, and there was no doubt he would prove an efficient officer in the situation to which he had been appointed. With regard to Sir Henry Brownrigg, and the change to which his hon. and gallant Friend (Colonel French) had alluded, he could only say the hon. and gallant Colonel must have access to sources of information not open either to Sir Henry Brownrigg or to him (Mr. Cardwell). He had seen Sir Henry Brownrigg only a few days ago, and he had then no intention whatever of vacating the position he had so long and so efficiently occupied. With regard to the question of the hon. Member for Cork (Mr. Vincent Scully), there was no intention of adding a second paid commissioner to his friend Mr. McDonnell, who now so ably discharged the duty of paid commissioner of the Board of Education in Ireland.

LORD FERMOY said, he thought his right hon. Friend had not acted very wisely in not selecting the stipendiary magistrates from the body of unpaid magistrates, according to the usual custom. Colonel Wood was no doubt a very gallant officer; but he could hardly be a good magistrate, because he had been a military man; but the police was not his own service, and he had been taken from his profession to be

put over the heads of men who must know their duties better than any military officer. Injustice had thus been done both to the stipendiary magistrates and to the police force, because those appointments were objects of legitimate ambition to the inspectors and other officers in the police force to conduct themselves well.

COLONEL DICKSON said, he hoped that the right hon. Gentleman the Secretary for Ireland would desist from making further appointments from the police to the stipendiary magistracy, and from the army to the police in Ireland, until after the whole subject had been inquired into next Session. He did not wish to throw blame upon any person, but he thought it was a great mistake to give officers in the army the appointments in the police force. It rendered that force far too military in its character. If the Government wished to increase the standing army, let it be done. He did not desire to say one word against the police force, but he thought that gentlemen should not be promoted from it to be stipendiary magistrates. In reference to Colonel Wood, he wished to state that he was a distinguished man, and had risen to his high position entirely through his own unaided efforts, but he did not think that the appointment which he had received in the police force was a proper reward for his military services. If policemen in Ireland were allowed to carry side arms, he was of opinion that soldiers should also be allowed to do so.

CAPTAIN ESMONDE said, he could not agree that a gentleman who had been in the police force should not be appointed to the stipendiary magistracy. It was a recommendation rather than otherwise, and the gentlemen of Ireland would always be glad to hear of the promotion of deserving persons.

Question put, and *negatived*.

HUMAN SACRIFICES AT DAHOMÉY.

OBSERVATIONS.

LORD FERMOY said, he rose to call attention to a horrible event, which he feared was about to take place, and which would cause a great sacrifice of human life. He found the following account of what was expected to take place in a West African newspaper:

“ His Majesty Badahung, King of Dahomey, is about to make the ‘Grand Custom’ in honour of the late King Gezo. Determined to surpass all former monarchs in the magnitude of the cere-

Mr. Bernal Osborne

monies to be performed on this occasion, Badahung has made the most extensive preparations for the celebration of the Grand Custom. A great pit has been dug, which is to contain human blood enough to float a canoe. Two thousand persons will be sacrificed on this occasion. The expedition to Abbeokuta is postponed, but the King has sent his army to make some excursions at the expense of some weaker tribes, and has succeeded in capturing many unfortunate creatures. The young people among these prisoners will be sold into slavery, and the old persons will be killed at the Grand Custom. Would to God this might meet the eyes of some of those philanthropic Englishmen who have some feeling for Africa! Oh, for some man of eloquence and influence to point out to the people of England the comparative uselessness of their expensive squadron out here, and the enormous benefit that must result to this country, and ultimately to England herself, morally and materially, if she would extend her establishments on this coast! Take away two-thirds of your squadron, and spend one-half its cost in creating more stations on shore, and greatly strengthening your old stations."

He need not impress upon the House the importance of taking some steps to prevent this awful sacrifice. It might, indeed, be already too late for interference; but probably there was yet time, as the victims could not be collected very speedily. No time should be lost in impressing upon the King of Dahomey the propriety of abandoning that frightful custom; and the Kings of that country had always been inclined to listen to advice from England. Unfortunately, this country refused to make treaties with African potentates, except upon condition of the abolition of slavery; a very excellent plan when it could be carried out; but, as the late King of Dahomey said, when urged to give up slave dealing, his army, his government, and everything were supported by the produce of his slaves. Still the Kings of Dahomey had expressed a great desire to have commercial relations with England, whereby slavery might be undermined. He thought that the influence of England might be usefully exerted in a remonstrance; and he wished to ask whether any attempt had been made to dissuade the King of Dahomey from the contemplated massacre?

MR. CHICHESTER FORTESCUE said, he was happy to say that Dahomey was not one of Her Majesty's Colonies. He was not, therefore, able to enter into the question connected with the slave trade, which had been opened by the noble Lord the Member for Marylebone (Lord Fermoy). Those questions properly appertained to the Foreign Office. He was sorry, however, to say, that from information received there was every reason to believe that the

statements as to the intended massacre at Dahomey were but too true. The state of the case was this. The British Government had considerable influence in different parts of the coast. On the Gold Coast a handful of colonists exercised a sort of protectorate against the inroads of the King of Ashantee. Further eastwards there were no English colonies, though the influence of the British name was great, but inland that influence almost entirely disappeared. What the Government had done in the matter was as follows: in the spring they received information of the contemplated sacrifice of human life, and of the territory of Abbeokuta having been singled out as the hunting ground from which the King of Dahomey was to find his victims. It was also believed that those captives who were not fit to be sold into slavery would be reserved for immolation in honour of the deceased King's manes. Upon that information the noble Lord at the head of the Foreign Office immediately gave instructions to the Admiral on the station to send a solemn message of remonstrance to the King of Dahomey, and warning him that, as the people of Abbeokuta were friendly to the English, the latter would give them every assistance in the event of their being attacked. He had great doubts, however, whether this interference would be effectual. The potentates in the interior of Africa were hardly vulnerable to our ships, and, as to remonstrance by means of missionaries, the day for the success of such influences had hardly come yet. He was told that the Governor of the Gold Coast once remonstrated with the King of Ashantee on a similar massacre, who said that he should be glad to put an end to these horrible customs, but that he durst not, so rooted were they in the superstitions of the people. Everything had been done short of employing actual force, which he was afraid could not be brought to bear in the present case.

CHRISTIAN WOMEN IN SYRIA.

OBSERVATIONS.

MR. KINNAIRD said, he would take that opportunity of putting a question, of which he had given notice. He wished to ask Her Majesty's Ministers, Whether they had made any representations to the Turkish Government, or taken any steps to influence them, to demand the restoration of the Christian women who had been carried off and sold by the Druses? As many as

3,000 Christian women had been sold to the Bedouin Arabs at the rate of 25 piastres apiece. He believed that the vigorous interference of the Christian Powers was still required for the purpose of obtaining justice for the Christians of Syria, and ensuring the punishment of their persecutors. He had been informed by a friend, who had been in Constantinople at the time, that Kurschid Pasha, who had been in a great degree responsible for those atrocities, when he had arrived in that city, instead of being treated as a man charged with a grievous crime, had been received with military honours.

THE SYRIAN MASSACRES.—QUESTION.

MR. MONSELL said he wished to know what instructions had been given to Lord Dufferin on his appointment as Commissioner to Syria with reference to the atrocities recently perpetrated there, and whether those instructions would be laid on the table of the House? Within the last two or three days a new set of papers had been printed with regard to these lamentable occurrences, and among them a most remarkable letter from Mr. Cyril Graham, a gentleman of great ability, sent by the European Powers to Syria to ascertain what were the real facts with regard to these horrible massacres. The scenes which that gentleman described were, he (Mr. Monsell) ventured to say, such as it never could have entered into the mind of any man to conceive. The atrocities were utterly abominable. Mr. Graham stated in the most distinct manner that the Turkish authorities—many of them being of the highest grade in the district—were actually accomplices in the perpetration of the worst of these atrocities. Whether it would have been possible to prevent them if more attention had been paid to the circular letter written in April, he would not stop to inquire. He would not stop to inquire whether, if negotiations had been entered into with France in time, the evil might have been prevented. But it did certainly appear, considering the history of Syria for the last twenty years, that this country was deeply responsible for these atrocities. What did we do twenty years ago? We found Ibrahim Pasha governing these disturbed districts of Syria. Under his rule these horrible scenes did not take place. We, in opposition certainly to France, and he believed to some of the other Powers of Europe, recommended a

Mr. Kinnaird

change of Government. We recommended that there should be a chief of the Druses and a chief of the Maronites, and that there should be a Turkish Pasha over both. We were warned in the strongest manner possible by Monsieur Guizot, on several occasions, and by Monsieur Thiers, when Prime Minister of France, as to what the effect of this would be. We were told that we were handing over these provinces to unlimited sway on the part of the Sultan which never existed before—that we were changing his suzerainty into a sovereignty. The gallant Admiral the Member for Southwark (Sir Charles Napier), who took part in the transactions in Syria in 1840, mentioned at a meeting in Edinburgh in 1845 that he felt it a disgrace to have had anything to do with transactions which produced such lamentable results. In 1844 the Earl of Aberdeen distinctly recognized the position of responsibility in which we had placed ourselves. In 1845 and in 1847 scenes on a smaller scale than those that had just taken place—but still terrible scenes—took place in these districts, and the Turkish Pasha in those cases also was an accomplice, and took part in the horrible transactions. On one occasion 150 Turkish soldiers looked on whilst some terrible murders were perpetrated, and two convents sacked. What he wished to know from the noble Lord at the head of the Government was this—whether, it having been found that the system which was adopted twenty years ago—owing very much to the influence of this country—was a complete failure, the commissioners who had now been sent out by the different Powers of Europe had received any instructions to reconsider that system; and whether the Lebanon district would be placed in a position in which it would be more free from the tyranny of the Pashas and replaced in that position with regard to the Ottoman Porte which it occupied in 1840.

SIR CHARLES NAPIER said, that what the right hon. Gentleman had stated was quite correct. He had stated at Edinburgh, and also in that House, that he felt ashamed of the part which he had taken in the affairs of Syria. He was sent under the orders of the Government, and he did his duty, though very unwillingly. When the country was held by Mehemet Ali it was peaceable and quiet. The roads were secure and the people comparatively happy. The Turks did everything they could to stir up rebellion in Mount Lebanon, and he was afraid that the allied Powers did a

great deal which had the same effect. Lord Ponsonby sent an agent into Mount Lebanon to do everything which he could to stir up the inhabitants, and it was notorious that they were told they would be better used by the Turks as an inducement to take up arms. The inhabitants did take up arms, and if they had not joined us it would have been quite impossible with our small force to have turned 30,000 or 40,000 Egyptians out of Mount Lebanon, and finally out of Syria. But before the English left the mountain the tyranny of the Turks began before their faces. Sir Robert Stopford and himself did everything in their power to get rid of the Governor sent there, as he was a regular tyrannical, cruel, old Turk. After Mehemet Ali was driven out of Syria, they left that wretch as Governor of Mount Lebanon. Before the ink was dry on the treaty, the Turkish troops or the Turkish Government broke faith with Mehemet Ali. They sent an army to disturb his retreat, and if hon. Members read the blue-book published in that day, they would see that the Turkish Government boasted of having destroyed 30,000 men in the retreat from Damascus. All that was done under the patronage of the allied Powers. They took no steps to leave Syria in a state of safety and good Government. He did as much as he could, and he advised Mehemet Ali not to receive the Pasha who was sent by the Porte. A very short time after the English left, the Turkish Government fomented all sorts of quarrels between the Druses and the Maronites. Colonel Rose, in his despatches, stated the manner in which the Turks behaved, and what little pains they took to prevent the Druses and Maronites coming to blows. They did come to blows, and almost the first thing which Colonel Rose saw was a number of Turkish troops looking on and not preventing the Druses marching past with Christian heads on their pikes. If it had not been for the gallant conduct of Colonel Rose, he believed that there would have been many more massacres than had since taken place. He never believed that the plan of a chief of the Druses and a chief of the Maronites, both under a Turk, was the way to pacify Syria. The French were now sending troops to Syria. It was a dangerous manœuvre for the French to be in possession of Syria. They knew what the French did when they took possession of Rome, and he thought they would do the same in Syria. Yet he confessed

that he for one would sooner see the French establish themselves permanently in Syria, if they would give protection to the unfortunate inhabitants, than see them again left to the tender mercies of the Turks. He trusted that whatever arrangement the allied Powers made with the French Government as a condition for their quitting the mountain, some steps would be taken—he did not care what steps they were—to protect the people. As to leaving them in the hands of the Turks again, he hoped that was out of the question. Whatever promises the Turkish Government might make, or their Pashas might choose to make to the Turkish Government, Europe might depend upon it that no attention would be paid to them after European troops were out of the country. It was not in the nature of the Turks to govern properly. They bought their places, and they ground the people down as much as they could in order to repay the money which they had had to borrow at Constantinople to purchase their places. As to expecting anything like common humanity, it was totally out of the question. There was never anything like humanity in Mount Lebanon. There was no humanity for the Christians in any part of Syria. They were the last remnant of Christians in the East. The allied Powers, when they drove out Mehemet Ali, promised them a better Government. They had forfeited their word. Almost the first thing which the Turkish Government did at that time was to arrest the chief of the Maronites, and take him to Constantinople, where he was kept a prisoner for ten years. He well remembered the noble Lord at the head of the present Government making a speech of two hours the night before Parliament was prorogued, in 1841 or 1842, and calling on the Government to interfere. The chief was kept a prisoner for ten years. He was sent back without any power, and the Druses had completed the catastrophe by cutting his throat.

VISCOUNT PALMERSTON: I am sorry to find that my hon. and gallant Friend (Colonel French), when he has nothing better to do, invariably launches an arrow at my noble Friend the Lord Lieutenant of Ireland. I can assure him that he receives no sympathy in those attacks, either from those who personally know my noble Friend or from those who are brought in contact with my noble Friend in his official position, because every one who knows him,

whether individually or officially, knows that there never was a man in a high position who took to his work with a more hearty desire to promote the happiness and prosperity of the people whom he is called to govern.

With regard to the question of my noble Friend the Member for Marylebone (Lord Fermoy), as to the King of Dahomey, my hon. Friend the Under Secretary of State has stated all which the Government know on that subject. But I may say that the matter has for a long period of time engaged the attention of Her Majesty's Government. It was my lot when at the Foreign Office, for a long time to use great endeavours to persuade the former King of Dahomey to abandon these abominable practices. We sent two or three missions to the headquarters of the King. I am sorry to say that those who went reported that when they came to the King's palace, they saw around the wall which surrounded it placed, not the ornaments which are usual in civilized countries, but human skulls—skulls of the victims sacrificed on those occasions, and ostentatiously displayed on the walls of the palace. That King of Dahomey did, to a certain degree, yield to our representations. Whether the present King will be disposed to do so remains to be seen, but the capital of Dahomey is at a considerable distance from the coast, and the road to it, through jungles and marshes, is so difficult to traverse that it would be scarcely possible to take an European force there to exercise coercion. I can only assure the House that every effort will be made to persuade the authorities to listen to our representations, and if any pressure can be exerted with good effect it will not fail to be added. These massacres are not, as my noble Friend has represented, connected with the slave trade. That we have endeavoured to prevail on the King to give up; but we have nothing to do with the internal arrangements of Africa. What we have laboured incessantly and with great success to prevent has been the practice of kidnapping persons and selling them, in order that they may be transported as slaves to South America or elsewhere. The capture of Lagos, and similar occurrences on the coast have much diminished the facilities for this traffic possessed by the Native chiefs. It is for the profit of the chiefs, and of the chiefs alone, that the practice is kept up, as they derive from it a revenue greater than they could obtain from the industry

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of their subjects. The people themselves are the victims of the trade, and abominate it; but it is no easy task to induce men who are reckless of all considerations but pecuniary profit to abandon a trade which, I am sorry to say, is stimulated by civilized men in civilized countries.

My hon. Friend the Member for Perth (Mr. Kinnaird) has asked whether any instructions have been given for the purpose of endeavouring to rescue from the harems in the interior those unhappy women who were carried off in great numbers from Damascus. Lord Dufferin has instructions, when he visits Syria, to take steps with this end in view, and communications will also be made to the Ambassadors at Constantinople to induce the Turkish authorities to co-operate with Lord Dufferin in endeavouring to accomplish this object. The two chiefs, Kurschid Pasha and Osman Bey, have, it is true, been sent to Constantinople for the purpose of being tried. Whether one of them, being a military officer, was received with the military honours attaching to his rank I do not know, and cannot consequently inform the House; but it is also true that they have been sent back to Syria, to be there tried for their crimes. Evidence will, of course, be more easily obtained on the spot, and I hope and trust that when they are arraigned they may receive the reward due to their atrocities. My right hon. Friend the Member for Limerick (Mr. Monsell) has entered into the general question of the state of Syria. He seems to imagine that these recent events were the result of the tyranny of the Turks. So far from that being the case, they have in a great degree resulted from the absence of direct authority on the part of the Turkish empire.

MR. MONSELL explained that he had referred, not to the tyranny of the Turks, but to their policy of fomenting civil war among the tribes by setting the Druses and Maronites one against the other.

VISCOUNT PALMERSTON: My right hon. Friend, at all events, held the English Government responsible for these events. I beg in the most direct and positive manner to repudiate on our part any share of the responsibility. It is not for me, sitting here, to say on whom that responsibility rests; it is not with us—that is all I will say. There are very strange reports as to the party that was the aggressor. In fact, there is little doubt that the Maronites commenced the disturbances, though to what extent they

are responsible for the lamentable outbreak I am unable to say. There is a report that the first acts of violence are to be attributed to them; but it is impossible to attach importance to rumours of so vague a character. This subject has elicited the remarks of the gallant Admiral the Member for Southwark. My hon. and gallant Friend distinguished himself, he will allow me to say, in the Syrian war, not only as a naval but as a military commander, and also as a negotiator, and performed great services in each of the three capacities. First of all, he gallantly conducted the attack on Acre; he then defeated the forces of Ibrahim Pasha on land, and finally he went to Alexandria, and extorted a very good treaty from Mehemet Ali. An arrangement was, however, made after the period to which he refers, by which the government of that district, instead of being carried on by the direct authority of the Sultan, was to be placed in the hands of two native chiefs—a Maronite chieftain to govern the Maronites, and a Druse chieftain to control the Druses—both being to a certain extent subservient to the representative of the Turkish Government. *Prima facie* one would imagine this to be a good arrangement, and that these tribes would be better governed under their own chieftains than by the direct authority of a Turkish officer. Of late I have not had official knowledge of the facts, but as long as I remained at the Foreign Office and the papers passed under my observation it was the constant endeavour of the Government at Constantinople to overthrow this system of administration, and to place Syria on the same footing as all the other provinces under the control of the Porte. Therefore, so far from the arrangement being favourable to Turkish tyranny, it was one, on the contrary, which was specially directed to the withdrawal of the two tribes from the direct dominion of the Porte. And that it has to a great extent been successful is evident, because, though you cannot expect that, in an uncivilized country, where there are two races which have been from time immemorial at war with each other, conflicts will not be liable to arise, there has been nothing at all to be compared since 1841 with the atrocious outrages which have now taken place. I am not at present prepared to lay the instructions to Lord Dufferin on the table of the House; it is not usual to do so when instructions are in course of execution. But I may state that one of the duties with which

Lord Dufferin has been intrusted is to inquire, in conjunction with his colleagues, into the state of the country, and to suggest the system of government that would be most conducive to the good and welfare of the people, and most likely to prevent a recurrence of the unfortunate collision which has taken place.

On Motion that the House go into Committee of Supply,

IRISH VOLUNTEER FORCE.

OBSERVATIONS.

SIR DE LACY EVANS said, that though he was ready to express his satisfaction generally with the statement which had been made on the part of the Government with respect to the erection of fortifications, he deemed their conduct not a little inconsistent, inasmuch as while they asked the House to vote large sums for that purpose, the reduction of extremely well-organized regiments of Militia—no bad means of defence—was in progress of being carried into effect under their auspices. That was a policy, the expediency and prudence of which he very much doubted, because it led in the first place to the loss of excellent soldiers, and was, moreover, calculated to create no small degree of discontent among the Militia throughout the kingdom. The subject, however, to which he had risen more especially to address himself was the objection which appeared to exist on the part of the Government to the extension of the Volunteer system to Ireland. The expediency of that extension was a point with regard to which several propositions had in the course of the Session been made, but upon those occasions right hon. and hon. Gentlemen had got up in their places, and with a shake of the head had talked of the existence in Ireland of a spirit of hostility between the members of two distinct religious persuasions, and of the danger of intrusting arms into the hands of people who might make use of them for the first time in their own internal quarrels. Now, the apprehensions upon that score which some hon. Gentlemen appeared to entertain he could not help regarding as greatly exaggerated; nor could he be brought to believe that because two or three heads had on some recent occasion been broken in some village in the North of Ireland, where sectarian bitterness existed to a greater extent than in other parts of the country,

that circumstance, even though it were to be repeated a dozen times in the year, furnished a sufficient reason for withholding from the Irish people that confidence which was extended to the inhabitants of England and Scotland. He could easily understand that gentlemen in Ireland, connected as they were with a local Government, might say, "For God's sake leave us as we are," but he could not understand how the noble Lord at the head of the Government and the right hon. Secretary for War could listen to such paltry objections. It was, he might add, contrary to all sound statesmanship to make such a distinction between the several portions of the realm, more particularly at a moment when Ireland was in a most progressive and improving condition, and when it was stated, on the authority of its Chief Secretary, that education was there making more rapid advances than in almost any part of Europe. The true way, he contended, to obtain the confidence of a nation was to repose confidence in its people—a policy on which Lord Chatham had acted after the rebellion of 1745, when he overcame the difficulty which had arisen out of the attachment of the inhabitants of the north of Scotland to the Stuart family, by raising some Highland regiments. It was, indeed, said that meetings were held in Ireland about the Pope, and that sentiments were given utterance to which proved it was not safe to intrust Irishmen with arms; but he could not understand how the declamation which might be indulged in at those meetings could be seriously supposed to affect the undoubted loyalty of the Irish people. In considering the subject he had been very much struck by the difference of the policy which had been pursued by the late Duke of Wellington with respect to that to which the Government at the present day seemed determined to adhere. In 1808 the Duke of Wellington—then Sir Arthur Wellesley and Chief Secretary for Ireland—did not hesitate to advocate the raising of Volunteer Corps in Ireland, notwithstanding that it was only five or six years before that a grave rebellion had been extinguished in that country. Writing in that year to Lord Castlereagh or Lord Hawkesbury, he expressed his gratification at the progress which the corps which had been established were making, and asked to be informed to what extent the Government desired the yeomanry force in Ireland—which had at the time reached 40,000 or 50,000 men, and

which he wished to see increased to 60,000—to be carried. There was a pretence that the law did not allow the enrolment of Volunteers in Ireland; but the Government had been invited by the hon. and gallant Member for Roscommon (Colonel French) to alter the law, and very injudiciously they had turned a deaf ear to that proposal. It was a monstrous inconsistency that, while large sums were being voted for the defence of the country, the Government should refuse the offer of a large body of men in Ireland which would be no expense to them. A noble demonstration of patriotic feeling had taken place in this country, though he was not quite sure that the Government had been ready to admit it in the first instance. Still, there were occasionally obstacles thrown in the way of the development of the movement. He had the honour of being the chairman of the first meeting which took place in Middlesex on the subject; and he could state that it was ten weeks before an answer was received from the Lord Lieutenant to the offer to form a corps. He believed, indeed, that an appeal was made to the right hon. Gentleman the Secretary of War, and that he exercised his authority in the matter. Within the last few days it had been proposed to form two additional corps in Westminster, but the Lord Lieutenant, it seemed, thought the two corps at present existing quite sufficient for a city containing 250,000 inhabitants. He believed the Government would be appealed to on the subject, for it was not to be borne that the obsolete prejudices of any old gentleman should interfere with the development of the movement.

MR. MONSELL said, he wished to point out that in the absence of Volunteer Corps; Ireland, in the event of an invasion, would be placed in a most defenceless condition, for almost as a matter of course the greater part of the regular army would be withdrawn to this country. His consolation was, however, that there was no chance of an invasion. He wished to make an earnest appeal to the noble Lord at the head of the Government to spare the House the misery of having to discuss a Roman Catholic Charities Bill next Session by taking some steps by which the Bill now before the House might be passed into law. There was only one clause objected to, and the most eminent Catholic lawyers and solicitors had stated that there were the greatest objections to that clause. If the Attorney General would take the

matter in hand, he might frame a clause which would satisfy all parties, and the Bill might be settled in an hour. Otherwise the Bill must drop, a Continuance Bill would have to be passed, and the House would have the annoyance of discussing the question again next Session.

Motion agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

(20.) £520,129, Disembodied Militia.

COLONEL DUNNE drew attention to the want of rifle ranges for the Militia; and he also suggested that some increase was desirable in the amount allowed for "lodging money" for sergeant-majors and quartermasters.

MR. SIDNEY HERBERT stated, that he had not yet been able to make any change in the position of militia surgeons. In Ireland their case seemed harder than it was in this country. Here the headquarters were generally at some large town, where there was a good private practice to be got; but in Ireland the head-quarters were more often in some insignificant place, which did not afford the militia surgeons the same advantages. If, in another year, he could do anything to improve their condition, he should be glad to do so. With respect to Militia ranges, the Government had been endeavouring in this country to combine the ranges of the Militia, the regular forces, and the Volunteers. Where the Volunteers had procured a range, they had been offered a rent for the use of it, and it was hoped in this way that a mutual arrangement would be made. In some places, however—for instance, in a country much enclosed, and where land was of great value—it would be impossible to provide ranges. It would be an advantage to have a musketry instructor separately in each regiment, and he hoped to be able to effect that. Whether non-commissioned or commissioned officers should be employed was a question which would have to be decided. The only changes in the Estimates before the Committee were a reduction in the salary of the inspector, who was put on the same footing as a Deputy-Adjutant General; and the adoption of the recommendations of the Commission of last year, namely, that the non-commissioned officers on the permanent Staff should in future draw the same rates as were paid during embodiment. The demand for non-com-

missioned officers was now so great, owing to their services being secured by the Volunteers, that, in order to keep men in the regiments, it was necessary to give them better pay than before.

Vote agreed to.

(21.) £380,355, Fortifications.

SIR FREDERIC SMITH said, he rose to express his general concurrence in the Estimate of the right hon. Gentleman the Secretary for War, though there were some items to which he took exception. Thus at Dover £70,000 was to be spent in the present year in improving the defences, the total estimated cost being £280,000, and the further amount required to complete the work was £70,500. Now the Commissioners on the National Defences said that if there were no works of defence or military establishments at Dover already, it would become a question whether that place should or should not be fortified. If they had come to such a decision it was marvellous that the Government should propose to lay out such a sum as now contemplated upon the defences there. No man could suppose that the point of landing selected by a hostile army would be anywhere near Dover. It was said that the harbour was an attraction, but, if so, the Government had made it an attraction. Naval men declared generally, that it was and would be a bad harbour after all. However, as the Government appeared to think the works essential he should offer no opposition to the item as they could not be left in their present unfinished state; but he protested against any extension. The works at Stokes Bay were most important, and should be carried out at once. They were estimated to cost £90,000. Only £15,000 was asked for this year, and the balance of £78,000 was to be expended in future years. He thought that those works should be completed at once. Then as to the works at Southsea, a portion of the cost of which was asked for this year, he strongly advised that they should be completed at once, and then the line of the Solent would be completely guarded. The defences for commercial harbours ought also to be completed without delay, and if that were done there would be no lack of Volunteer Artillerymen to man these coast batteries, which they would do very efficiently. With regard to Malta, he thought that any expenditure to put that place in a state of complete defence would be money well laid out, for Malta would be a most important

point in case of a war between this country and any foreign Power. He took that opportunity of repudiating an opinion that had been ascribed to him upon a former occasion by the noble Lord at the head of the Government, to the effect that two trained gunners were sufficient for each gun. He thought there should be at least six, especially for sea batteries, where celerity of fire was essential. He wished to know whether the plans of the Commissioners would be speedily published, and whether the House would have an opportunity of seeing them before they separated.

MR. LINDSAY said, he wished to ask where were they going to end in this matter of fortifications. The other day he was one of a minority of 39 against 263, on the Vote of £2,000,000 for fortifications, and that night they had an Estimate of £70,000 more. Had the hon. and gallant Officer divided the Committee he would have gone with him. Considering the large Vote of the other night, and considering the opinion of the Royal Commissioners with regard to Dover, he was at a loss to know for what they wanted this Vote. That France or any other nation would invade England, a free country, with 250,000 men, was the grossest absurdity that ever entered the brain of man; but if there was an invasion the very last place that would be thought of for landing would be Dover. Did they intend to fortify the 300 miles of coast which the Commissioners told them were still undefended? Were they going to fortify England round about? The whole cry was, "Fortify, fortify, fortify." It was to prevent the fear of invasion, the rumours of invasion, that they were to spend all this money. He ventured to prophesy that before twelve or eighteen months from the present time there would be a great reaction. Before eighteen months they would have a cutting down of their ships of war and of their army, and a stoppage of those Votes, and they would, perhaps, become more extravagant in their extreme economy than now in their extreme expenditure. He begged of the Government to think of the people who were so heavily taxed for little or no good.

MR. WARRE reminded the Committee that the invasion of this country was an object always very near the heart of the French people. In the year 1797 the French succeeded in landing 1,100 men under General Humbert in Ireland, who, how-

ever, escaped back with great difficulty. Our chances against invasion were much better since the invention of steam than they were before. He was old enough to recollect the days of menaced invasion, and the value that was then placed upon early information as to what was or was not to be done was very great. Our means of acquiring information from all parts of the world had vastly improved since that time, consequently there was not much danger of any sudden invasion of our shores. Without undervaluing those advantages, the gallantry of our people and their stubborn determination to resist to the last any attack made upon them, he nevertheless thought that it was possible for the enemy to throw some 20,000 or 30,000 men upon our coast if it were to be left still in its present defenceless state. This Vote then he considered as a move in the right direction, and he would give it his cordial support.

SIR DE LACY EVANS said, the question was not one of money but of security. It was idle to talk of pounds, shillings, and pence when such vast interests were at stake. The hon. Member for Sunderland (Mr. Lindsay) had made a prophecy, Now, seeing that the hon. Gentleman was not a great military or naval authority, he thought he might have spoken with a little less positiveness as to the state of things that time twelve months. No one knew what might happen in that time, but looking at the present state of Europe he suspected that in twelve months the hon. Member would not speak with quite much confidence on this subject. With regard to Dover, the Commissioners had not, perhaps, made a very judicious remark when they said it was doubtful whether, if works did not exist at Dover, it would be desirable now to construct them. But the works were there, and when hon. Members asked triumphantly whether it would be likely the French would disembark at Dover, he thought it not improbable they might be disposed to land 5,000 or 10,000 men there, in order by that means to command the Channel. Dover would be very important to an army of invasion if they could get hold of it. He regretted that the works were so extensive on the western side; but the absurdity about the matter was that so commanding a height had been left so long without some fortification. Every one scouted the notion of fortifying the whole coast; but there were three or four arsenals that required some additional

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fortification. Portland, no doubt, was a very important harbour, but there was some extravagance in the proposals for fortifying it. It was proposed to construct a great tower, with three tiers of guns, at the head of the pier, which was to cost £200,000, and mount 100 guns. He thought that instead of three tiers one or two tiers, with 40 or 50 guns at the most, would be ample. He agreed that Portsdown Hill ought not to left without defence. With the present range of artillery it was quite clear that if any disembarkation took place the French might get on that hill and destroy the arsenal. This hill was, however, defensible with a small force. He suggested that six or eight batteries of Armstrong 12-pounders should be substituted for the 226 heavy guns which had, with great want of judgment, been proposed to be placed on Portsdown Hill. Heavy guns were by no means convenient for such a position, and besides the number recommended would require a greater force to man them than, in case of an invasion, could be spared. He advised also that as a matter of economy the troops should be employed to a greater extent on these works. The want of practice in such employment was a great drawback to the men when they took the field. If 2,000 or 3,000 of the troops in garrison at Portsmouth were removed from the unwholesome atmosphere and immoral company of that town, and encamped on the top of the hill for five or six months every year, there to be employed, under the guidance of competent persons, on the works, it would be a great saving to the country and a great benefit to the men.

COLONEL DICKSON stated that the soldiers at Portsmouth were already so overworked that they were in bed only three nights a week. He did not think, however, that, as a rule, soldiers should be employed on such works as the gallant General proposed.

SIR DE LACY EVANS admitted that the gallant Officer had given a valid objection to his proposal in the case of Portsmouth garrison, but perhaps other troops might be spared for the purpose.

MR. DODSON asked what conclusion had been drawn from the recent experiment of firing an Armstrong gun against one of the Martello towers?

MR. SIDNEY HERBERT said, he could not say at present what deduction was to be drawn from the experiment in question. As to the works of Dover, he

should be willing to rest their defence upon the arguments of the hon. and gallant Member for Westminster. Sir John Burgoyne said, with great truth, that Dover was a strategical point in the defence of the kingdom of great value, where a vast deal of good and useful work was already accomplished, and where but a little more remained to be done to render it complete and effective. Nothing could be more unwise than to leave a work, which might so readily be made powerful, feeble and incomplete. The gallant Officer the Member for Chatham (Sir Frederic Smith) said it would be better to spend a large sum on these works at once, and get them completed off hand. That was exactly what was done by the Fortifications Bill. He could not describe the nature of the detailed plans of the fortifications. The Commission had given a general outline of them. He had arranged that after a working Committee had drawn up the plans, they should be submitted first to a number of experienced officers and to the Defence Committee, and that they should then be returned to Sir John Burgoyne for his final sanction and approval. The greatest care would be taken that the work should be done in the most efficient way. He agreed with the gallant General that there should be a mixed armament of light and heavy guns on Portsdown Hill. Additional sums had been taken under the Fortifications Bill for many of the purposes included in this Vote. The works at Portland had been sanctioned by Parliament some time back. It was proposed originally to have a battery there at the end of the breakwater, at the cost of £120,000. Subsequently, however, it was considered advisable to reduce that amount. Ships taking refuge there were generally such as were enabled to defend themselves. Some earthworks were to be constructed at the right of the breakwater, and on the western side a line of defences.

MR. CONINGHAM said, that there was in the Vote an estimate for the purchase of land at Alderney. He was sorry to find that the fortifications there were to be extended, as he believed they were a mistake, and that it would require 10,000 men to garrison the island. Indeed, he believed that all those fortifications proceeded on a fallacy. It was assumed that they would enable the country to dispense with a number of soldiers, whereas he was told by eminent military authorities that they would render a larger force necessary. With re-

gard to the Martello towers, he was told last year, when he was down at Eastbourne, that the tower there had recently been repaired, but that the contractor deferred it till he had no other work; that in consequence the outer face of masonry was run up in the frost, and the effect was that, as his informant told him, you might kick it down. He hoped the fortifications that were now to be erected would be of a more substantial character.

LORD HOTHAM asked whether the Government intended to proceed with the works for strengthening the defences at the mouth of the Humber? Hull was the emporium of the commerce between this country and the north of Europe, and, with the exception of Liverpool and London, it was by far the port of largest trade in the kingdom. He hoped, therefore, no time would be lost in proceeding with these works.

SIR FREDERIC SMITH said, there was £150,000 to be spent at Hull.

MR. SIDNEY HERBERT said, that in this country people, so far from thinking they ought to make sacrifices to assist in a public object, seemed to conspire to make the purchase of land as expensive as possible. The Government were obliged to resist. Legal gentlemen intervened, and they did not hasten matters. He did hope, however, that they should secure a site at Hull, and at once proceed to put works upon it. With respect to the observations of the hon. Member for Brighton (Mr. Coningham), he had never maintained that fortifications required fewer men, but that to carry on war without fortifications would require more men. There was no theory which could not be treated with ridicule by those who were opposed to it, and no truth which could not be called a fallacy by those who disagreed with it. As to the story picked up at Eastbourne, many builders found that they commenced works too late in the season, and in these accounts there was always a great deal of exaggeration. With regard to Alderney, the fortifications were almost completed, and the money was for the purchase of land which it was important the Government should possess. It would be nearer the mark to say the garrison must be 3,000; it would certainly not require 10,000 men.

MR. W. WILLIAMS said, they had recently had a celebrated and friendly letter from the Emperor of the French, showing that he had an army only of 400,000 men. [An Hon. Member: But who believes it—

Mr. Coningham

do you?] This country had 323,000 men who knew the use of arms. There was in addition the Irish constabulary, and he might say the whole force was 400,000 men, which could be greatly increased. The force which this country depended upon was the navy, and the navy was treated as if it had no existence in these discussions. He thought the idea of invasion absurd, and that the fortifications would require an increase of the standing army. He agreed with his hon. Friend the Member for Sunderland in regarding these defensive fortifications on land as a complete waste of money. An opinion had been given by a gentleman of great experience, that, in the event of actual invasion, the most prudent thing we could do would be to blow up all our forts, and concentrate our troops for the purpose of resistance in the field.

Vote agreed to; as were also the following Votes:—

(22.) £277,547, Educational and Scientific Branches.

(23.) £25,390, Rewards for Military Services.

(24.) £75,860, General Officers.

(25.) £492,357, Reduced and Retired Officers.

(26.) £184,523, Pensions to Widows, &c.

(27.) £44,123, Pensions, &c., for Wounds.

(28.) £30,638, Chelsea and Kilmainham Hospitals.

COLONEL DUNNE expressed his opinion that pensions ought to be granted to all men who, having passed a medical examination, were afterwards disabled by wounds or loss of health. He also called attention to the anomalous position in which barrack masters were placed, being entitled to pensions neither as military nor civil officers, and hoped that their case would be favourably considered.

Vote agreed to, as were also—

(29.) £1,144,895, Out-Pensioners of Chelsea Hospital.

(30.) £136,837, Superannuation and Retired Allowances.

(31.) Motion made, and Question proposed,

“That a sum, not exceeding £3,750, be granted to Her Majesty, to defray a portion of the Expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1861.”

MR. AYRTON said, the Committee had been engaged with the consideration of this Vote at the morning sitting, and he objected to it because the circumstance of

the recent grant of £2,000 a year to the Dean of York showed that the Commissioners were prepared to dispose of the public money without any sense of responsibility. On the death of the late Dean of York, in 1858, an estimable gentleman and the son of a noble Lord—himself possessed of an ample fortune—was appointed his successor. At that time the public were under the impression that it was not in the power of the Commissioners to increase the income beyond £1,000 a year, legal opinions to that effect having been obtained, although it now appeared that conflicting opinions had since been given. That the present Dean did not expect the larger salary was shown by the fact that on three occasions he had written to request that it might be made up to £1,000 a year. The Deans of Wells and Salisbury, however, in the month of February, 1859, addressed a memorial to the Ecclesiastical Commissioners, in which they set forth reasons why their incomes should be increased, and it was remarkable that application was based, not on spiritual, but on purely secular grounds. They held it to be “inexpedient that ecclesiastical dignities should be so slenderly endowed as to render them tenable only by men of independent fortune ;” and, secondly, they complained that they were “unable adequately to maintain their position, owing to their income having been reduced so much below that of their predecessors.” Not a word was said about the duties which they had to perform. The Dean of York wrote at the foot of the memorial appended his entire concurrence in its prayer “on public grounds, and as a matter of principle ;” but so little expectation had he of the increase being offered to himself, that in October of last year he again made application to the Commission, asking that his salary might be made up to £1,000. The Ecclesiastical Commissioners, however, drew up a scheme with the object of increasing those incomes, but by a most extraordinary proceeding the amounts were not filled in, but were left in blank. At a subsequent meeting of the Commission, when there was a much smaller attendance of members, the scheme of £1,000 a year was approved ; but instead of acquiescing in that arrangement, the ecclesiastical dignitaries in the Commission met again in November, and insisted that the subject should be reconsidered. Accordingly, they referred it to a Committee, which made a report ; they next invoked

the assistance of the Secretary of State, and at last, in January of the present year, the common seal was affixed to a scheme by which the Dean of York was to receive £2,000 per annum. Subsequently, when they consulted counsel, they found that the scheme was retrospective, and that the Dean ought to receive the increased salary from the death of his predecessor. The Commissioners, in acting thus, had been guilty of such a gratuitous casting away of public money upon a gentleman who neither desired, expected, nor wanted it, in order to carry out the principle of endowing the dignitaries of the Church with the largest possible sums, that it was the duty of the Committee to see whether it was necessary to grant any funds from the public treasury in aid of the operations of such a body. While they were encouraged by the Government to revel in the funds of the Church the House of Commons ought to endeavour to put some check upon their proceedings by refusing to vote money for the maintenance of their establishment.

MR. W. WILLIAMS said, he was surprised that the Government should have proposed the present Vote. When the Vote for the rent of the offices occupied by the Ecclesiastical Commissioners was under discussion, the Home Secretary distinctly stated that no further sum would be required. Here, however, was a Vote of £3,750 to defray the expenses cast upon the Ecclesiastical Commissioners by the Church Building Acts. When the Church Building Commissioners were in existence they had some duties to perform, but those duties had entirely ceased. He should take the sense of the Committee upon the Vote.

SIR GEORGE LEWIS said, that if this was intended as a vote of censure on the Ecclesiastical Commission for raising the stipend of the Dean of York it would have been better to have brought it forward as a specific Motion, because hon. Members could then give a distinct vote on the question. But by raising it in this indirect way in Committee of Supply it was not brought distinctly before the House, and some would give their votes on one ground and others on a different ground. The question now before the Committee was whether the faith of Parliament was pledged, as he maintained it was, to the payment of a certain sum of money for defraying the expenses of the Church Building Acts. Those Acts were still in force,

there were substantial duties to be performed in connection with them, and there was also an Act which said that the expenses were to be defrayed out of money to be voted by Parliament. The Government were prepared not to propose any additional Vote for the expenses of the Ecclesiastical Commission, as far as the proper business of the Commission was concerned; but it appeared on examination that there were duties cast upon them which necessitated a considerable addition to their establishment, and which were independent of the administration of their own funds. Under these circumstances the Government thought it their duty to propose this Vote, and he hoped the Committee would assent to it. The hon. Member for Pontefract said in the morning sitting that Government had promised that a Vote would not be proposed for the expenses of the Ecclesiastical Commission this Session, but on referring to the usual records of their proceedings, he found in the Report of the debates for July 24, that he distinctly stated this very Vote would be proposed later in the Session, and that it would be grounded on the expenses cast on the Ecclesiastical Commission by the Church Building Acts. His hon. Friend, therefore, must have made some mistake.

SIR WILLIAM JOLLIFFE said, his vote would depend upon the truth of a report which had reached him that the salaries of the officers of the Commission had been considerably raised—from the highest to the lowest he understood that there had been an enormous increase of salary, and if so, he wished to know where that increase came from. Did Church property supply the advance in these salaries, or was it to come out of the Vote before the Committee? If it were not supplied by that Vote it would seem as if those gentlemen paid themselves. If so, the funds which were intended to increase the incomes of the working clergy had been diverted for enlarging the salaries of the officials and for increasing the income of deans. If there were extra duties to be performed that might be a reason for additional remuneration being granted, but the funds of the Church ought to be under better supervision.

MR. EDWIN JAMES said, that the hon. Member for Pontefract (Mr. Monckton Milnes) who was unable to be in his place, had forwarded to him a statement made by the right hon. Gentleman the Member for the University of Cambridge (Mr. Wal-

pole) upon the Vote of £680, which was quite distinct as to the withdrawal of this Vote. The right hon. Gentleman was reported in *The Times* of July 23 to have said:—

“About £3,600 was taken annually in Votes for the Ecclesiastical Commission, but that sum was now removed from the Votes. Therefore, the £680 for rent was only providing so much of the guaranteed expense of carrying out the Church Building Act as was necessary for defraying the rent of the House required for the purposes of the Act.”

It appeared that the Commissioners themselves had had some doubt as to the propriety of asking for this Vote, because there was appended to it a note,—

“Doubts having arisen with regard to the propriety of again submitting to Parliament an estimate for the Ecclesiastical Commission, the following correspondence is appended in explanation of the proposed Vote.”

If his hon. Friend the Member for Lambeth divided the Committee upon this Vote, he should certainly go into the same lobby with him.

SIR GEORGE LEWIS remarked that in the proceedings as reported of the previous debate, it appeared to have been distinctly stated that the most convenient mode of discussing the question raised by his hon. Friend would be to wait till the Estimate for the Ecclesiastical Commission came under consideration. He could give no explanation of the raising of the salaries of the officers of the Commission, but he apprehended it was competent to the Commissioners to regulate the salaries of their own officers. The demand now made upon the Committee was to compensate the Commissioners for the duties they performed under the Church Building Act.

MR. MELLOR said, he should not give his vote on an understanding of what had taken place on a previous occasion, but he thought if ever they were justified in refusing a Vote they were justified in so doing on the present occasion by the conduct of the Ecclesiastical Commissioners. It would be monstrous if, under the circumstances, the House of Commons should agree to this Vote.

SIR WILLIAM JOLLIFFE said, it was true that the Commissioners had increased duties thrust upon them, but they had already remunerated the officers under them for those duties, and, besides that, they had voted sums to persons who had not even asked for them, and did not want

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them, while they refused to do anything for necessitous clergymen.

SIR GEORGE LEWIS said, that if the Committee refused this £3,500, the expense of carrying out the Church Building Act would have to be thrown on the common fund of the Ecclesiastical Commission—a fund already appropriated by law, which ought no more to be charged with this burden than the coal duties or any other fund. Even if the salaries of the secretaries and clerks had been unduly raised, the money did not come out of the public taxes, and it would not be just to disallow this Vote. Did hon. Gentlemen think it desirable to establish a separate Commission, and to take a separate Vote for the execution of the Church Building Acts? Some might suppose that the duties of the Ecclesiastical Commissioners were not rightly performed, but they were certainly laborious, and those who did the work were surely entitled to their hire. The stipend of the Dean of York had been raised to an equality with that of the Dean of Canterbury, but it entailed no additional burden on the country, coming as it did out of the funds of the Ecclesiastical Commission. The executive Government was not properly responsible for that increase in the Dean's stipend; but as it required the confirmation of an Order in Council, probably no further augmentation of it would take place. He hoped the Committee would not be induced to reject this Vote by the very persuasive eloquence of the hon. Member for Lambeth.

MR. HENLEY said, that if the Ecclesiastical Commissioners had done wrong in increasing the Dean of York's stipend, in raising the salaries of their staff, or in the expenditure of the funds intrusted to them for other purposes, let them by all means be called over the coals for it, and censured in a direct and straightforward manner. They would then know what they had to meet, and if they could not make out a good defence, let them bear the brunt of their misdeeds. He for one would never attempt to shield them. But the truth was all that had nothing whatever to do with this question. A distinct bargain had been made with the Ecclesiastical Commissioners when they were to do the work of the Church Building Commissioners that Parliament should pay them the requisite sum for doing it. On that ground he must support this Vote.

MR. FREELAND said, he was anxious to receive some explanation with respect

to a meeting of the Ecclesiastical Commissioners held in the month of June, 1859, upon the subject of a proposed increase in the stipends of the Deans of Salisbury, Wells, and York. It appeared that the meeting had been attended by the First Lord of the Treasury, the Secretary of State (it was not mentioned for which department), the right hon. Gentleman the Member for Cambridge University, and his hon. Friend the Member for East Kent. It appeared, also, that after much discussion a division took place. He wished to know whether it was a fact, that in the important division referred to, all the Bishops and Deans voted one way, and all the lay Commissioners another?

SIR GEORGE LEWIS, not having had notice of the question, could not undertake to say precisely what took place at a meeting held last year. He remembered that considerable discussion took place, and that the noble Lord at the head of the Government, together with himself and some of his Colleagues, who were against increasing the income of the deans, were in a minority.

MR. AYRTON said, he would refresh the memory of the right hon. Gentleman by reading the resolution of the meeting referred to, which was to the effect that a scheme should be prepared and submitted to the Queen in Council, for securing annual incomes of £1,500 to certain deans and blank sums to others. The Commissioners disposed of public funds apparently without responsibility; and the Ministers of the day being out-voted in the Commission could not control its expenditure. The Committee, by refusing to grant any money at all to such a body, would compel the Government to place its affairs on a better footing. It was rumoured that another department was about to be created, which, as it was not to be represented in that House, would be exempt from accountability for its conduct.

VISCOUNT PALMERSTON said, it seemed to him that hon. Gentlemen who opposed the Vote were confounding the duties and functions of the Commissioners. The Vote was for performing different duties arising out of Acts of Parliament and which were unconnected with the duties, the neglect of which the hon. Member who opposed it alleged as the reason for his opposition; and the Vote which was now proposed, if negatived, would have no influence whatever upon the course which the Ecclesiastical Commissioners

would pursue with regard to those matters.

MR. HADFIELD reminded the Committee that the Church Building Commission had been abolished simply because it had nothing on earth to do. He contended they should have had a statement of how much of the expenses of the Ecclesiastical Commission had been occasioned by the Church Building Acts. If they had made work for themselves, it had been for no useful purpose whatever.

SIR GEORGE LEWIS stated that the opinion of the Treasury was that the Vote should be discontinued, and a communication had been made to that effect to the Home Office. He had inquired exactly as to the nature of the duties performed by the Ecclesiastical Commission, and the information given in detail was that one-fourth of the duties actually discharged in the office of the Ecclesiastical Commission was caused by the Church Building Acts. If any hon. Gentleman moved for a detailed statement, he would receive it.

MR. BASS said, he thought as the Commissioners had a superfluity of funds in their hands, their officials should be paid out of them.

MR. P. W. MARTIN said, he hoped the Government would withdraw the Vote. It was quite clear the right hon. Gentleman had nothing to say in favour of the Commission, although he stood up for them from a sense of chivalry. There appeared to be no necessity for granting this money; and if Government did not withdraw it, the result of the division would by nine out of ten be connected with the conduct of the Commission in augmenting the salary of the Dean of York.

MR. HANKEY said, he thought it scarcely respectful to the Committee that no one representing the Ecclesiastical Commission was present to state what were the duties they performed in connection with the Church Building Acts. They had not heard whether those Acts were still in force or what was doing and at what expense.

SIR GEORGE LEWIS said, it was impossible to give a detailed account of all the subordinate offices under the Government. They were extremely numerous, and unless he had notice that he should be called upon to give a detailed explanation of what duties the Ecclesiastical Commission had to perform in connection with the Church Building Acts it would be impossible to extemporize such information. He

could only say he did inquire as to the fact at the proper source, and he received information from a credible authority to the effect he had stated. If the Committee, however, would agree to the Vote, he would undertake, when the Report was brought up, to state in sufficient detail what were the precise duties of the Ecclesiastical Commission in relation to the Church Building Acts.

MR. LYGON said, that though unconnected with the Ecclesiastical Commission, he was enabled to state the duties devolving upon them in connection with the Church Building Acts. No church could be built without a conveyance of the site being made to the Commission, who satisfied themselves as to all details and accepted the conveyance. Considering that the number of churches built was very great, and that considerable expense had to be incurred in the investigation of titles, &c., it would be but fair to remunerate the Commissioners accordingly.

MR. EDWIN JAMES called attention to the fact that there was a charge of £150 per annum for the expenses of solicitors and architects contained in the Estimates. The right hon. Member for Oxfordshire in his usual simple but forcible style spoke of calling the Commissioners "over the coals." They might call spirits from the vasty deep, but would they come? They had been calling the Commissioners over the coals, but no one was present to answer for them. He thought the Vote should be indignantly rejected by the Committee.

Question put,

The Committee *divided*:—Ayes 45; Noes 44: Majority 1.

Vote *agreed to*; as was also

(32.) £17,070, Charity Commission.

(33.) Motion made, and Question proposed,

"That a sum, not exceeding £25,480, be granted to Her Majesty, to complete the sum necessary to pay the Salaries and Expenses of sundry temporary Commissions, to the 31st day of March, 1861."

MR. EDWIN JAMES said, that Parliament was this year called on to Vote £777 for statute law consolidation, and last year £2,361 were voted under the same head. It appeared that all that enormous payment had taken place without any result; and altogether the country had spent £30,000 for the purpose of consolidating the statute laws. The matter had

been alluded to in the Speech from the Throne, and the House was promised a consolidation of the criminal law. One night his hon. and learned Friend the Attorney General stated that the Bills should be proceeded with, and on the following night his hon. and learned colleague the Solicitor General said the Bills were not to be proceeded with this Session. He ventured to say that four able criminal lawyers connected with Westminster Hall would have efficiently performed the work for one-tenth part of this enormous expenditure; and he should therefore Move that the item of £777 for statute law consolidation be omitted from the Vote.

Motion made, and Question proposed,

"That the item of £777, for the Statute Law Consolidation Commission, be omitted from the proposed Vote."

THE ATTORNEY GENERAL observed, that the hon. and learned Member had mixed up together several different subjects, and did not seem to understand the matter. The item in the Vote was for work done by the Statute Law Consolidation Commission, which had expired and was no more; whereas the Criminal Law Consolidation Bills, which had been before the House, were the result of the labour of no Commission whatever, but of persons employed under the direction of the Lord Chancellor and the law officers. With respect to the profit resulting from the Statute Law Commission, he was not disposed to refuse concurrence with the hon. and learned Gentleman, and it was a good deal from his own advice that the Commission had been put an end to. However, the duty performed by that Commission had been done on the faith of an engagement, and it was impossible now to refuse the payment of the sum which was due. That Commission did not fulfil all that might have been expected from it, but still a great number of things had been done, and materials had been collected from which he trusted a good deal of profit might be derived. On the expiration of that Commission the Lord Chancellor and the law officers proceeded, with the aid of the Treasury, to spend a very modest sum of money in consolidating the statute law, and if it had been anything but a mere mockery, considering the circumstances of the Session, to bring the matter before the House, he should have laid on the table, in addition to the Bills for Consolidating the Criminal Law, a Bill for the purpose of removing from the statute-book a vast num-

ber of obsolete, repealed, and expired Acts. It was undoubtedly true that he had stated that the criminal Bills should be proceeded with; nevertheless, those Bills, like many others, had been sacrificed to the extraordinary events of a most singular Session, but he hoped that when they were re-introduced on a future occasion they would meet with a better fate.

MR. MELLOR said, he hoped that after the explanation given by the Attorney General, his hon. and learned Friend the Member for Marylebone would not press his Motion. Of the responsibility of having urged upon the Government the withdrawal of the Bills in question he himself was prepared to take his share.

MR. EDWIN JAMES said, the hon. and learned Attorney General was in the habit of imputing ignorance to everybody who differed from him in opinion, and he could assure the hon. and learned Gentleman he felt it to be a compliment, rather than the contrary, to be included by him in the list of those against whom he indulged in making such imputations. There was, however, one point on which he was not ignorant, and that was, that out of the vast amount of legal reform which had been promised by the Government in the present Session, not a single important measure had been passed into a law. The hon. and learned Gentleman had observed that this was a singular Session, and in that opinion he concurred, deeming it to be not the less singular because of the course which the Government had taken with respect to that great measure of reform in bankruptcy, which the hon. and learned Gentleman had introduced, in passing which he might have calculated on receiving the assistance of almost every lawyer in the House, but which nevertheless he had withdrawn—he would not say in a fit of ill-temper, but at all events with a degree of suddenness which afforded some ground for surprise. In conclusion he had simply to say, while expressing his regret that he should lie under the imputation of ignorance, that he believed he understood the question on which he had just spoken quite as well as the hon. and learned Attorney General himself. It was not his intention, he might add, to press his Motion.

Motion, by leave, *withdrawn*.

COLONEL DICKSON then drew attention to the item of £6,000 to discharge the claim of Messrs. Quilter, Ball, and Jay, in connection with the Weedon inquiry, which

he characterized as a monstrous charge. In mentioning the inquiry itself, he wished to speak of the officers who took part in it with all possible respect, but he must be permitted to observe that he could not understand how Captain Gordon and Mr. Commissary Adams should have come to the conclusion that nothing could be made of the accounts kept at Weedon, when it appeared that Mr. Moore, who was at the time employed there, gave it as his opinion that ample *data* for rendering them clear existed, an opinion in which Mr. Jay, when called on, expressed his concurrence. Mr. Jay was appointed solely on Mr. Turner's responsibility, and shortly after his appointment he became partner in the house of Messrs. Quilter and Ball, who, no doubt, were very glad to get a partner who had such a good piece of business on his hands. But after all this cost, Mr. Arbuthnot had reported that the report of Messrs. Quilter and Ball did not present such accurate results as might have been expected from professional accountants, after the expenditure of so much time and labour. If he received any support, he should certainly move the omission of the item.

LORD CLAUD HAMILTON said, he thought his hon. and gallant Friend could not be aware that this inquiry was not gratuitously undertaken by the Government, but was the result of a Committee of that House, which sat on the subject. All the statements made by the officials from Weedon were to the effect that, though the system there was an excellent one originally, such an accumulation of stores had been poured into the establishment that the staff was overburdened; and, though the accounts, owing to that press of business, were in a state of confusion, yet, with time and extra hands, they could be brought into perfect order. The subsequent inquiry showed that this was substantially the case, and that though there was great confusion, there had neither been peculation nor positive loss. As to the hon. Member for Manchester (Mr. Turner) he deserved the greatest credit for the manner in which he had discharged an onerous and odious task. He knew how deeply the hon. Gentleman felt the responsibility of it at the time, and he was in a manner coerced into undertaking it by a sense of public duty. Before commencing the inquiry, he had mentioned to him his belief that nothing but submitting the accounts to a practical commercial man would

Colonel Dickson

bring out an explanation of them which would be satisfactory to the public. He was sure that in appointing Mr. Jay the hon. Gentleman had only been actuated by the desire of securing the best man he could for the purpose.

MR. W. WILLIAMS said, he wished for some explanation with regard to an item of £2,000 for a Commission to inquire into the Scottish Universities. What were the duties of that Commission?

MR. LAING said, the object of the inquiry was to improve the means of education in these Universities.

Original Question put, and *agreed to*.

(34.) £28,229, Patent Law Amendment Act.

MR. W. WILLIAMS complained of the enormous amount in fees paid to the Solicitor General.

Vote *agreed to*, as were also

(35.) £12,998, Board of Fisheries (Scotland).

(36.) £2,000, Board of Manufactures (Scotland).

(37.) £5,000, Highland Roads and Bridges.

MR. W. WILLIAMS said, it was quite time that this charge should cease. He did not know why the people of England should be taxed for the support of bridges and roads in Scotland.

LORD CLAUD HAMILTON remarked that it was too bad that, while there were tracts of heather on which, for twenty miles round, no tourist or sketcher was allowed to set foot, the public should be obliged to pay for a macadamized road right through them.

MR. LAING said, that the Vote used to be paid out of the Scotch revenue, and did not appear in the Estimates. It dated from the time when military roads were required in the Highlands on a scale which were not necessary for the convenience of the districts, and which they could not be expected to maintain. He thought it was at present inexpedient to disturb an arrangement which had existed for so many years. A considerable portion of the Vote would go to defray the expenses of reconstructing a bridge at Inverness, which had been swept away by a flood.

Vote *agreed to*.

(38.) £900, Ancient Laws and Institutes of Ireland.

MR. EDWIN JAMES said, it appeared that the Brehons were the ancient Judges of Ireland, and that they laid down extraordinary laws. There was one of them

with an unpronounceable name, a Bishop and King of Ulster, and certainly a great portion of the law, as laid down by him, was anything but favourable to morality. He found that the republication of those laws had already cost £3,900, and he should like, before agreeing to the Vote, to hear from some Irish Member what benefits had been derived from the perusal of the Brehon Laws.

MR. CARDWELL said, that seventy years ago the nation determined to devote a small sum for the purpose of collecting and compiling and transcribing the antiquities of Ireland. A Commission existed, an honorary commission of learned men, who were engaged upon this interesting subject, and the results of this labour were looked forward to with interest, not only in Ireland, but by learned bodies on the Continent.

MR. HENNESSY said, he should support the Vote, which had been originally granted by the right hon. Member for Buckinghamshire (Mr. Disraeli).

MR. EDWIN JAMES asked if any one had read the translations.

MR. HENNESSY replied that they were not yet published.

Vote agreed to, as were also
(39.) £58,700, Pensions, &c. (Merchant Service).

(40.) £20,000, Distressed British Seamen Abroad.

(41.) £4,000, Quarantine Arrangements.

SIR JERVOISE JERVOISE said, although this was a small sum, yet he should like to know by what Board the fund was expended. The subject of quarantine was an important one, and required consideration, for not long ago, in consequence of a virulent disorder having appeared among cattle in the countries bordering on the Baltic, an order was issued to prohibit the importation not only of cattle, but also of hides, horns, hoofs, and bones.

MR. LAING said, the Vote did not apply to the subject referred to by the hon. Baronet.

Vote agreed to.
(42.) £50,000, Payments under Treaties of Reciprocity.

MR. AYRTON said, he was glad to find that the Vote had been reduced from last year. A Report had just been issued by a Committee of that House condemning the system upon which this grant was made. He hoped that Report would receive the serious consideration of the Government.

Vote agreed to.

MR. PEACOCKE moved that the Chairman report Progress.

House resumed.

Resolutions to be reported *To-morrow*.
Committee to sit again *To-morrow*.

PARTY EMBLEMS (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

MR. HENNESSY said, he rose to move that the House go into Committee on the Bill on that day three months. He insisted that the present law was quite sufficient to put down any of the objectionable proceedings against which the Bill was directed, and that the legal adviser of the Crown in Ireland had acknowledged that such was the case. The right hon. Chief Secretary proposed the insertion of a clause to provide that any person who should commit certain acts which were recited in such a manner as to provoke animosity between different classes of the people should be guilty of a misdemeanour. Among those acts were included the exhibition of flags or any party symbols and the playing of music. He predicted that, whether the Bill passed or not, St. Patrick's Day would still be celebrated in Ireland by the display of the shamrock and the playing of national tunes. The symbols of the Catholic churches would fall within the scope of the Bill, and it would be within the power of any magistrate who believed they caused ill-feeling among the people to pull them down. The Bill was not at all required, and would produce incalculable mischief in Ireland. It would deepen and perpetuate the divisions between the two great parties in Ireland. As Mr. O'Connell had told the Government in that very House, the spirit of a great portion of the community could not be put down by legislation; it might be managed, but could not be curbed. He then moved that the House go into Committee on the Bill on that day three months.

SIR EDWARD GROGAN said, he deeply regretted that such a Bill should have been introduced, because he believed that no measure had ever been proposed since he had been a Member of that House which was so well calculated to revive all the animosity and rancour of party spirit in Ireland. It had been the custom, for example, in the Theatre Royal of Dublin, for the orchestra to play certain tunes between the first and second pieces, and if

this Bill were passed it would be in the power of any magistrate, if he thought they were party tunes, to put the law in force against the innocent amusements of the people. He would second the Amendment.

MR. O'BRIEN said, the question for their consideration was, whether the Bill was not intended to prevent the display of political emblems which were calculated to give offence to a particular party, and to encourage sectarian strife. He believed that the measure would have that effect, and he would therefore support it.

SIR GEORGE BOWYER said, he had opposed the Peace Preservation Bill on the ground that the common law of the land was sufficient to preserve the peace, and that exceptional legislation, being unnecessary, was undesirable. The Bill before the House was founded on the same principle, and open to the same objection. He thought it likely to produce ill-feeling among the people, and he therefore opposed it. The Bill would authorize the taking down of a cross from outside a chapel; in fact, it appeared to encourage the notion that anything which any person might be offended at could be removed by the machinery of the law. All exceptional laws like the present were deviations from the Constitution, and only tended to increase the evil at which they were levelled.

MR. DEASY said, nothing could be further from the wish of the Government than to trench on the rights or liberties of Protestants. There were few Irish Members who represented more Protestants than himself, or were more indebted to them for kindness and support. But, in supporting this Bill, he felt that he was carrying out, and not acting in violation of, their wishes. Nothing could be more strenuous than the representations which the Government had received from numbers of influential Protestants in the north of Ireland, showing the necessity for passing an Act to prohibit displays tending to disastrous consequences, which the law was powerless to prevent. Unfortunately these displays had that year been more numerous than for a long time previously. He had received from the Crown Solicitor, Mr. Maxwell Hamilton, himself a Protestant and Conservative, a report stating that from the 1st to the 12th of July Orange flags had been kept flying from the different church steeples; and Mr. Hamilton urged that to prevent the serious consequences which

must ensue from the continuance of such a state of things, the Legislature should at once pass a Bill such as he had recommended in 1837, when examined before a Committee of the House of Lords. In Derry an orange or crimson flag had been hoisted on the Cathedral, and though the Bishop tried to prevent it, he failed to do so. At another time when Her Majesty's Judges entered an assize town, a similar flag was hoisted for a similar purpose of insult. Could such proceedings be tolerated by the House of Commons? In England it was not customary to celebrate the battles of the Revolution—[Mr. BUTT: Guy Fawkes.] In his view the memory of Guy Fawkes was objectionally perpetuated; but yet the celebration was conducted in an orderly manner and subject to police jurisdiction. The hon. Member for King's County was, he thought, mistaken in saying that the existing law was sufficient to prevent the displays complained of in Ireland; but if the learned Judge had given any such opinion he differed from him.

MR. HENNESSY said, he had based his letter on a statement in the Government paper—the *Dublin Evening Post*.

MR. DEASY emphatically denied that there was any Government paper. He hoped the House would not refuse to strengthen the hands of the respectable inhabitants of Ireland, Protestants and Catholic, but would pass the measure. In Armagh, the Protestants had gone to the Catholic quarter, drumming and fifing, and the Catholics retaliated in like manner; conflicts ensued, and houses were wrecked. The Government wanted to obtain power to prevent the recurrence of such scenes, flags had been displayed on churches and were kept flying in opposition to the wishes of the Roman Catholic clergy—they wished to give these gentlemen power to prevent the irritating displays. It was the boast of the Orangemen that they obeyed the law, and therefore with the passing of this Act the provocations to outrage would terminate.

MR. BUTT said, he had been exceedingly surprised to hear it stated by the right hon. and learned Gentleman that the existing law was inadequate. Did he mean to say that either at common or statute law it was permissible for large bodies to parade in party processions drumming and fifing, and in a manner calculated to disturb the public peace?

MR. DEASY said, the existing law was

competent to deal with party processions, but not with drumming and fifing.

Mr. BUTT said, the Party Processions Act expressly declared that parties were not to proceed in array with music.

Mr. DEASY replied, that it had been impossible to indict the parties in Armagh under the Party Processions Act, but they were tried for a riot.

Mr. BUTT unhesitatingly asserted that every procession assembling in a manner reasonably calculated to provoke a breach of the peace, constituted in itself an illegal assembly, and whether with or without flags, they were guilty of misdemeanour. On information by any sub-inspector that reasonable apprehensions of a disturbance were entertained, the local magistrates would be bound to prevent such an assembly, and if they did not do so, they would be amenable to the jurisdiction of the Court of Queen's Bench. The Government should bear in mind that the operation of this Bill was not confined exclusively to Protestants. If the present Bill had been in force only a few years ago every person wearing a Repeal button could have been dragged by a constable to gaol. He contended that the common law was sufficient to preserve the peace in Ireland, and that the powers now sought were unnecessary for any useful purpose.

Mr. LEFROY denied that the Protestants of the North of Ireland were in favour of the Bill, and said that though he was at first disposed to give the Bill his support, upon more mature consideration he found he could not do so. He had no wish to encourage such scenes as those which had recently occurred at Armagh, but the powers already possessed by the Government were sufficient for the preservation of the peace. He recommended that the Bill should be withdrawn.

THE SOLICITOR GENERAL said, it might be true that the offence against which the Bill was directed was already an offence against the common law; but the Bill gave new and summary powers of repression, which it was of the utmost importance the Executive should possess.

Mr. BLAKE: I regret being obliged to take a different course from my hon. Friends, the Members for King's County, Tipperary, Dundalk, and others, with regard to this Bill. I give them full credit for acting up to their conscientious convictions in the matter; but after giving the subject the fullest consideration, I feel bound to give the Government my support

in their effort to pass the Bill. I believe the Chief Secretary and Attorney General, in bringing it forward, have been actuated by an honest desire to prevent a recurrence of those Orange outrages which have always been productive of evil consequences in Ireland, and which were lately attended by the sacrifice of human life. I regard the question from an entirely Irish point of view, by which I mean that the only considerations which will influence me in voting will be what is most likely to lead to the cessation of practices certain to keep up ill feeling between a portion of my Catholic and Protestant fellow-countrymen. The Orangemen of the North deserve the severest punishment for the acrimony which their periodic insulting displays are sure to engender between those who ought to live in harmony together. The celebration of anniversaries of battles gained over the Catholics, the wearing of party symbols, offensive shouts, and playing insulting tunes, all contribute to bring back to Catholics sad, bitter memories, reminding painfully of long years of conquest, humiliation, and suffering. Now, this state of things should not be permitted or borne with any longer. It caused a distraction in the country, to remedy which and insure quietude one of three remedies would require to be adopted—that the Catholics should rise up and drive the offending Orangemen into the sea, or that the Orangemen devise some means to annihilate the Catholics, or else pass a stringent law for the suppression of Orange displays, and enforce it with a vigorous hand. I should be very sorry to see either of the two first expedients tried; and besides, neither party might find it very easy to get rid of the other; therefore, I give my support to the only remedy that remains, the total putting down of demonstrations that lead to collisions between the two parties. I am surprised to find Catholic Gentlemen objecting to this Bill, on the ground that it would be likely to interfere unpleasantly with the proceedings of Catholics; but I would beg of them to remember that the Irish Catholics have no party processions, war-cries, emblems, or tunes; they never do anything in that way calculated to offend Protestants in the slightest degree. ["Oh, oh!"] I repeat it, and challenge any Member to name an emblem worn or tune played by Catholics that Protestants do not also adopt. The shamrock, I am happy to say, is worn by both; and from the lively strains of

“Garryowen” and “St. Patrick’s Day,” both derive equal delight—indeed, Protestants claim the latter as an apostle of their own. Therefore, as Catholics never indulge in demonstrations insulting to any party or religion, they have nothing to apprehend from a Bill intended to put a stop to such improprieties, and will not be compelled to resign anything; and even if the provisions of the Bill admitted of their being interfered with in instances that might be uncalled-for, I believe I am justified in stating, on the part of my co-religionists, that so anxious are they to live in peace and friendship with every one, that they would even submit cheerfully to some unjust restriction if they thought their doing so would contribute to putting an end to those dreadful scenes in the North, which have been productive of such dreadful results there, as well as disturbing the harmony which it is most desirable, on every account, should exist between Catholics and Protestants in Ireland. I would show no mercy to the man who raises sectarian discord, no matter what creed he might belong to. No doubt some of the powers sought for by this Bill are very stringent; and Gentlemen at this side of the House say that existing statutes are all-sufficient to prevent a recurrence of the disturbances complained of. However, Government tell us that they have not sufficient power for the purpose. Considering the great object aimed at, and that we hold the Administration responsible for the prevention of outrages, which have been endured too long, I think we should not scrutinize the measure too closely, but stretch a point to arm the Ministry with a power which they assure us will be used for an object that every Irishman ought to rejoice to aid. I therefore feel great pleasure in giving Government my hearty support on this occasion, in the earnest hope that by the judicious, but firm, enforcement of the law we are about to pass, there will be an end put to those disgraceful practices which keep alive animosities between Irishmen of different denominations, and distract and interfere with the progress of the country.

LORD CLAUD HAMILTON said, he, too, gave credit to the Government for good intentions in endeavouring to legislate upon this subject, but he was afraid that mischief might result from the provisions of this measure. He believed that, if there was a general expression of opinion on the part of the House that these dis-

plays should be put down, the object might be effected without legislation.

MR. CARDWELL said, that this Bill had been introduced in consequence of an appeal from all sides of that House to the Government to take measures to prevent the recurrence of disturbances; and he did not think that the rejection or withdrawal of the Bill, after it had passed its second reading, would tend to promote peace or order in Ireland.

Motion made, and Question put, “That Mr. Speaker do now leave the Chair.”

The House divided:—Ayes 53; Noes 22: Majority 31.

Bill considered in Committee.

House resumed.

Committee report Progress; to sit again on Monday next.

House adjourned at Two o’clock.

HOUSE OF COMMONS,

Saturday, August 18, 1860.

MINUTES.] PUBLIC BILLS.—1°. Militia Pay.

SUPPLY.—CIVIL SERVICE ESTIMATES.

Order for Committee read.

MR. DARBY GRIFFITH said, that he wished to call the attention of the House to the Return just made by the Ecclesiastical Commissioners, as to the attendances at the meetings of the Board at which it was decided to augment the salary of the Dean of York, and complained of the paucity of information which it contained. The Returns showed that at one meeting of the Commissioners there were 13 clergymen to 4 laymen, and at another there were 17 to 4. The inference from this was, that the increase in the Dean of York’s stipend had been entirely influenced by the clerical members. The Return did not show whether or not there had been a division on the question.

SIR HENRY WILLOUGHBY observed, that there was a considerable increase in the establishment of the Commission, and desired to know whether the Commissioners could increase their own establishment as they pleased, or whether any control was exercised in the matter by the Home Office or Treasury.

SIR GEORGE LEWIS said, that to

Mr. Blake

the best of his belief a Committee was appointed by the Treasury a short time ago to inquire into the establishment of the Ecclesiastical Commissioners, and that Committee made a Report; but he could not undertake at the present moment to state precisely what authority the Treasury or the Home Office had over the establishment of the Ecclesiastical Commission. The expense was principally defrayed out of the Common Fund; but, if the question were repeated on Monday, he would answer it more positively. The other evening a question was raised as to the duties of the Ecclesiastical Commission in connection with the Church Building Act. He had had an interview with the Secretary of the Commission that morning, and was informed that those duties were very considerable, constituting a fourth part of their business, and were increasing instead of diminishing of late years. This estimate was very carefully made on an examination of the correspondence in the office. Their duties in that respect consisted, *inter alia*, in superintending the union of benefices; the formation of ecclesiastical districts; the conveyance of sites for parsonage-houses, churches, and burial-grounds; in ascertaining the cost of new churches and their materials, in order to obtain the drawback on timber; and arranging pew-rents and endowments, and substitute new churches for old ones.

MR. W. WILLIAMS remarked, that not any one of those duties had anything to do with church building.

MR. AYRTON asked, how many new churches had been built during the year under their superintendence?

SIR GEORGE LEWIS: I cannot say, without inquiry.

MR. WARNER observed, that if the hon. Member for Devizes (Mr. D. Griffith) had been in his place on the previous night, his single vote would have helped to turn the scale against the Ecclesiastical Commission. He thought that as the House was going to break up, the question should be asked what was to be done with the Reform Bill next Session. The House had been elected expressly to deal with the question of reform, and hon. Members could not divest themselves of the responsibility of doing something in the case. They could not allow a Bill to be carried by pressure from without, for that would be, not reform but revolution; they could not leave the matter to the Government, for different Governments had made at-

tempts and failed; and he, therefore, thought that the House should give some indication of the course it was prepared to adopt on this question. It appeared to him that the only step that could be taken was to appoint a Select Committee to frame the outline, at any rate, of a Bill, to be afterwards filled up by the Government, and he hoped that the Government, during the recess, would turn their attention to this point.

House in Committee.

MR. MASSEY in the Chair.

The following Votes were *agreed to* :—

(1.) £15,000, Bounties on Slaves, &c.

(2.) £17,000, Lighthouses Abroad.

(3.) £4,266, Orange River Territory.

(4.) £27,000, British Kaffraria.

MR. W. WILLIAMS objected to taxing the people of this country for any portion of the colony of the Cape of Good Hope, which was in a position to take care of itself.

MR. CHICHESTER FORTESCUE explained that the Vote did not refer to the colony of the Cape of Good Hope, but to British Kaffraria. He admitted that there had been a considerable expenditure for some years, but it had been an expenditure conducted with the greatest success by Sir George Grey, who had averted for many years these Kafir wars which used to cost this country so much money. The present Vote had been gradually diminished, and next year it would be reduced to £15,000.

MR. CONINGHAM stated, that last year it was promised that this Vote should be reduced to £20,000.

MR. CHICHESTER FORTESCUE said, he did not remember the promise.

SIR HENRY WILLOUGHBY inquired, whether there were any outstanding expenses on account of the Kafir war?

MR. CHICHESTER FORTESCUE replied, that there were certainly outstanding expenses, not on account of the old Kafir wars, but for expenditure in excess of the Parliamentary Vote during the last two years. That expenditure was incurred by Sir George Grey during the crisis which occurred in native affairs about two years ago, in consequence of an extraordinary outburst of fanaticism; and Sir George Grey, besides providing for that emergency, was able by his exertions to send to India a great number of troops at the time of the mutiny. To meet these exigencies, which Sir George Grey did with success, a certain expenditure was

incurred in excess of the Parliamentary Vote, and when the amount was ascertained, application would be made to Parliament for the money.

Vote agreed to ; as was also

(5.) £32,442, Treasury Chest.

(6.) Motion made, and Question proposed,

“ That a sum, not exceeding £20,000, be granted to Her Majesty, to fulfil the Engagements entered into by Her Majesty's Government with certain Submarine Telegraph Companies, in the year ending the 31st day of March, 1861.”

Mr. AYRTON said, that there were three grants comprised in this Vote—one to the Mediterranean Extension, another to the Channel Islands, and a third to the Red Sea and Indian Telegraph. The three telegraphs had been laid down under contracts with the Government. In the case of the Mediterranean Extension and the Channel Islands, the contract provided that the Government should pay an annual sum on condition that the telegraphic wire was laid down and kept in efficient working order. But, in the case of the Red Sea Telegraph, it was different, and it was provided, in the first place, that the Red Sea and Indian Telegraph Company should for themselves enter into a contract with some responsible persons to lay down an efficient working telegraph from Egypt to India. With regard to the public engagement towards that Company, it was an engagement to pay a dividend of $4\frac{1}{2}$ per cent for a period of fifty years. He now desired to know whether the Mediterranean Extension and the Channel Islands Telegraphs were in good working order, and also what steps were taken by the Red Sea Telegraph Company to enforce the fulfilment of the contract by the contractors.

Mr. LAING replied, that the Mediterranean Extension Telegraph was not in complete working order. Both lines—that from Sardinia to Malta, the other from Malta to Corfu—had been laid down, and been worked successfully for some months, when an interruption occurred from causes not yet fully discovered. In consequence of that the guarantee for efficiency expired. But, looking to the importance of Malta, the Company were allowed to lay another line to Sicily, which gave a less perfect communication than before, but it had been adopted as a temporary measure till it could be seen whether the former communication could be resumed. He believed that the Channel Islands telegraph, after working for some

time successfully, had also either wholly or partially failed. The arrangement which was made by the late Government with the Red Sea Telegraph Company, as it had turned out, had been a most unfortunate one. When the two first contracts were entered into, there was reason to believe that deep-sea telegraphs might be worked with perfect success ; but recent failures had rendered necessary an alteration in the terms of the contract with the Red Sea Company, and a guarantee had been given them irrespective of the success of the undertaking. He did not say that this was the best arrangement that could have been made ; but the Government, being anxious to obtain a telegraphic communication with India, had no alternative at the time. The public would not subscribe their capital without the guarantee. The Government had two official directors in the Company. [Mr. AYRTON : Who were they ?] Mr. Anderson and Mr. Stephenson. Attempts were being made to restore the line. It was, undoubtedly, the duty of the Government to see that the companies carried out their contracts, and the Government would enforce all the legal remedies which they possessed against the directors if they did not keep the telegraphs in complete working order. Whether these matters would be affected by private arrangement, or would come before a Court of law, he could not at present state ; but he would repeat that no legal remedy within the power of the Government would be omitted to compel the directors to do their duty in performing their contracts.

Mr. AYRTON said, the Vote was expressed to be for the fulfilment of the engagements entered into with the submarine telegraph companies mentioned. The contracts under which those engagements were incurred were printed last year ; and in the case of the Mediterranean Extension and the Channel Islands Companies the payment by the Government was made contingent on the performance of the contracts. But, as the contracts had not been performed, was it correct to ask for money “to fulfil the engagements” entered into? Those engagements no longer subsisted, and it seemed to him, therefore, that the first two items of £7,200 for the Mediterranean Extension and £1,800 for the Channel Islands telegraphs must necessarily be struck out of the Vote, or, otherwise, Parliament would be recognizing the failure of the companies to perform their engagements, and would be giving

currency to the notion that the public had given an absolute guarantee. If the Secretary to the Treasury chose to bring forward a supplemental estimate, explaining the nature of the new engagements, the Committee would of course consider it, but as yet the proposal of the Government was not borne out by the facts. The Chancellor of the Exchequer had on the previous day delivered an indignant philippic against the House of Commons for their sins of omission and commission with regard to the public expenditure, and he was glad the right hon. Gentleman was now present to see that the House was anxious to set these matters right. With respect to the contract with the Red Sea and India Company, the late Government, perhaps, hardly deserved all the obloquy which had been cast upon them. Without an absolute guarantee no telegraph would have been laid down; but, on the other hand, this only proved that every person who could form an intelligent opinion on the subject declined to embark his money in such an undertaking. Of course, when the Government came forward with their guarantee plenty of people were found willing to enjoy the profit and the jobbing without any risk. There was certainly this redeeming feature in the contract—namely, that it was not to take effect unless the company could find responsible persons to lay down the telegraph and deliver it over in efficient working order. It appeared that two Treasury clerks, Mr. Anderson and Mr. Stephenson, had been appointed directors to see that the engagements were carried out and to protect the public. At that time it had not been shown that a long wire could be laid down with success to maintain an ocean communication, and even now this scientific question had not been determined. Under such circumstances proper persons should have been appointed to protect the public interests, and not two Treasury clerks, who appeared to allow anything to be done as an execution of the contract; the result being that there was now no wire in efficient working order. He moved the omission of the first two items from the Vote.

SIR GEORGE LEWIS said, he was responsible for the first contract in the Vote as it was entered into when he was at the Treasury, but he trusted the Committee would recollect that there were great difficulties inherent in this question of submarine telegraphs. During the Indian mutiny a strong desire was felt for tele-

graphic communication with India, and the Government were charged with supineness in not listening to the proposals made to them. Some persons urged that the Government should lay down the line themselves, and that they should come to this House for a large Vote of money, taking the line by sea to Gibraltar, Malta, Alexandria, and so by the Red Sea to India, which would have cost £500,000 or more. The uncertainties attending a line which passed through other States induced them to entertain a submarine project, but looking also to the uncertainties which existed respecting the mechanical means of forming such a communication the Government came to the conclusion that it was undesirable themselves to carry such a project into execution, and that it was better to leave it to private enterprise. They wished to contract with a company to pay a certain rate for a certain number of years for all Government messages. Those terms, however, were not thought sufficiently favourable, and no company could be formed on such a basis. An arrangement was then made with the Mediterranean Company, there being a line from Genoa to Cagliari, to extend it from Cagliari to Malta and Corfu, the agreement being that the Government would guarantee them a certain amount as long as the line was in good working order. These were on the whole reasonable terms, it being admitted that to make such a communication was a very desirable object. The late Government continued that arrangement and made the bargain for carrying on the line to India which had been referred to. Though, perhaps, not a very advantageous arrangement, it had been condemned with more severity than it deserved, when the Committee bore in mind the paramount object of establishing telegraphic communication with India. The hon. Gentleman had moved that the two first items should be disallowed. Perhaps, upon a literal construction of the contracts, it was competent to the Committee to put an end to the Vote; but the Mediterranean Company had carried a line from Malta to Sicily, joining with the Italian lines. The communication thus established with Malta seemed to him to be practically as good as that by way of Cagliari, and in some respects it was better, for whereas, from Malta to Cagliari, the distance was some 200 miles, Sicily was only about 70 miles distant, so that the submarine wire being less long the communication with Malta was less

uncertain. He therefore thought that the Treasury were fully justified in making a provisional arrangement for six months, the promised subsidy being conditional on the maintenance of the line in efficient working order. He trusted, therefore, that the Committee would not refuse their sanction to the first Vote. As to the Channel Islands, it was true that the communication had been interrupted, but if restored the payment by the Government would become due, and it was of great importance that telegraphic communication should be kept up with these places. Nothing could be more obscure than the causes which prevented the working of those lines. It was at first supposed that the exclusive difficulty consisted in laying down the wires, and that when once at the bottom of the sea the wires were safe from all further damage. It now appeared, however, that they were subjected to some unknown influence when laid down which interrupted the working; and under such circumstances it was only right that Parliament should deal in an equitable spirit with the companies, and not by a sudden vote decline to give them further countenance or assistance.

MR. BERNAL OSBORNE said, the question before the Committee was, whether the contracts had been fulfilled, and whether they were called on to pay for contracts which had not been fulfilled. The House had been taunted for forcing expenses on the Government; but in that instance the Government were forcing expenditure on the House of Commons. If he understood the matter, the Committee was called on to pay money for a contract which had not been performed. It was said the arrangement was that we should be independent of foreign powers; but now it appeared that the telegraph had to go through Naples. This Session there had been great extravagance, and if there should be, as would be probably the case, a bad harvest, the people would next year say, "Why you spent last Session upwards of £76,000,000 of the public money." These Estimates ought to be cut down, for small amounts were the foundation of large savings.

THE CHANCELLOR OF THE EXCHEQUER said, he agreed that by close attention to small items was the foundation of a wise economy to be laid. But the hon. Gentleman intimated that the Government were forcing this particular expenditure upon the Committee. Was that a just charge?

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[MR. BERNAL OSBORNE: I referred to other items.] He did not know what these were, but in this particular instance he believed the Government had acted in a manner which the Committee would approve. Did the hon. Member think that when the line from Malta to Corfu and to Cagliari failed the Government would have been justified in leaving the country entirely without telegraphic communication with Malta? To that opinion the hon. Member had committed himself. The Government satisfied themselves that it was undesirable for them to attempt to carry out the undertaking. They were reluctant to pledge the public to one farthing of permanent expenditure. But it would not have been right to leave the country without communication, however imperfect, with Malta. The Vote would not pledge the Committee to an engagement for a long term of years; it was a mere provisional arrangement which did not annul the old contract, and the contract would be revived when the communication was restored. With regard to the Red Sea Telegraph, the hon. and learned Gentleman (Mr. Ayrton), in alluding to the employment of "two Treasury clerks" for the protection of the public interest, had succeeded in conveying a false impression by means of language which was perfectly accurate. No doubt, Mr. Anderson and Mr. Stephenson were Treasury clerks, but that conveyed an inadequate notion of their standing and ability. In responsibility, in knowledge, and in experience they were officers of the very first class, and two better men could not be found in the civil service of the country.

MR. WHITE said that, had the Government not availed themselves of this alternative line when the Cagliari and Malta line closed, there would have been great dissatisfaction in the City among those connected with the East. It was very hard, when the Government had done all they could to maintain the communication with the East, that they should incur nothing but obloquy.

SIR HENRY WILLOUGHBY said, that on the understanding that the new arrangement was only temporary, and that if it did not work the money would not be paid, he thought it a sensible proceeding, and therefore he would not oppose the Vote. The question was well considered by the Packet and Telegraph Committee, and they felt that the contracts for telegraphs to Alexandria were not prudential arrangements. The mischief with regard to the

Re Sea telegraph was that the Bill was allowed to be carried through the House as a private Bill. This House knew nothing of the guarantee till the Bill came from the Lords, when, having read the Bill, he himself drew attention to the point; but the House refused to interfere with the guarantee, on the ground that the Bill had gone through all its stages except the very last. But the Committee on packets and telegraphs had recommended that in future no guarantees of public money should be made in private Bills. He hoped the Government would save something out of the wreck. He quite agreed that both Mr. Anderson and Mr. Stephenson were first-rate men, and that they were placed on the direction to guard the public interests. He wished to ask what amount of capital had been paid up, for on that amount only would the Government be bound to pay the guarantee interest of $4\frac{1}{2}$ per cent.

MR. LAING was understood to say that the whole capital of £800,000 had been paid.

MR. SPOONER would like to know whether the whole of the sum guaranteed by Government for the formation of the Red Sea and Indian Telegraph had been spent, and if not, whether Government could not prevent further expenditure. He (Mr. Spooner) understood that the original scheme had entirely failed, and that an altered one was adopted; is he to understand that if the substituted scheme fails the guarantee for such substituted scheme would fail also? [The CHANCELLOR of the EXCHEQUER: Just so.] Then he (Mr. Spooner) entirely approved of what the Government had done. The communication with India by telegraph was a matter of such great national importance that the ministers would have been greatly blamed, and justly so, if they had not exerted themselves to the utmost to procure such communication.

MR. GREGSON said, it was quite impossible to find persons who would undertake the formation of these telegraphs without the guarantee of the Government. All the capital had been paid up on the £20 shares, and their market value was now something less than that sum.

MR. AYRTON said, he was willing to withdraw his Amendment, considering the new footing on which the Vote now appeared to be placed. It should be remembered, however, that the Committee had been asked to Vote a sum of money upon a contract submitted last year, whereas

now it appeared that the money was required in conformity with a contract not laid before Parliament. The hon. Gentleman (Mr. White) had spoken on this question as the organ of the City interest; but, considering the extent to which that hon. Member had undertaken to defend the British Constitution, he surely ought to be rather more careful how the public money was expended. It was often found, however, that hon. Gentlemen who on the platform were very voluble and clamorous forgot all public considerations when their own interest was concerned, and could not tolerate discussion.

THE CHANCELLOR of the EXCHEQUER said, that no new contract had been entered into, as the hon. Member seemed to suppose. The arrangement made was merely a provisional modification of the old contract, which could be sufficiently explained in the course of conversation, and hardly required to be set forth in the Estimates.

MR. ALDERMAN SALOMONS said, he understood that the £7,200 was only payable while the telegraph worked.

MR. LAING: Only as long as the communication is kept open.

MR. AYRTON said, he would then ask for an explanation of the £1,800 for the Channel Islands contract. The Committee had been informed that the telegraph was not in working order.

MR. LAING said, the telegraph was a case almost of suspended animation, but it might be resuscitated at any moment. No part of the money would be paid till the telegraph worked.

Motion made, and Question,

"That the item of £7,200, for the Mediterranean Extension, be omitted from the proposed Vote."

Put, and *negatived*.

Original Question put, and *agreed to*.

The following Votes were then *agreed to* :—

- (7.) £7,000, Niger Expedition.
- (8.) £11,500, Zambesi Expedition.
- (9.) £2,000, Corn Returns.
- (10.) £2,060, Registration of Joint Stock Companies.
- (11.) £1,703, Registration of Designs.
- (12.) £17,850, Revising Barristers.
- (13.) £2,500, Inspection of Burial Grounds.

SIR GEORGE LEWIS explained that, under certain Acts of Parliament, the Government were directed to close burial-grounds, and also to interdict interments

within churches; and in order to carry out the provisions of these Acts two inspectors were appointed, and their expenses constituted the sum mentioned in the Vote before the Committee.

MR. EDWIN JAMES asked when these two gentlemen were appointed to perform these melancholy duties, as no other statement in reference to the Vote had been made to the Committee than that which they had just heard.

SIR GEORGE LEWIS said, the inspectors were appointed in 1855.

Vote agreed to.

(14.) Motion made, and Question proposed,

“That a sum, not exceeding £2,000, be granted to Her Majesty, towards the formation of the Gallery of Portraits of the most Eminent Persons in British History, in the year ending the 31st day of March, 1861.”

MR. SPOONER moved the rejection of the Vote, and he looked with confidence for the support of the Chancellor of the Exchequer. He (the right hon. Gentleman) could not oppose the rejection of this Vote on the ground on which he opposed the rejection of the Vote for the British Museum, namely, that it was a great national institution, and, therefore, ought to be nationally supported. He (Mr. Spooner) totally disagreed with the right hon. Gentleman even as to that Vote, but he would not enter into that question as the House had decided, and he bowed to that decision, but how could the British Historical Portrait Gallery be considered a national institution?

The second report of the trustees clearly demonstrated that they did not seek to promote art or science by the pictures they collected, for they say that they look to the celebrity of the person represented rather than to the merits of the artists. They will attempt to estimate that celebrity without any bias to any political or religious party. Nor will they consider great faults and errors—though admitted on all sides—as any sufficient ground for excluding any portrait which may be valuable as illustrating the civil, ecclesiastical or literary history of the country. It is clear, then, that art cannot be improved nor morality promoted by such a collection of portraits. The right hon. Gentleman had just told them that large sums were made up of small ones. Let him practically carry out that view with regard to that Vote. Last year the House of Com-

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mons voted £2,000 for a picture of themselves, and presented it to this Gallery, which, because there was no room large enough to receive it in the gallery, it still remains in one of the Committee Rooms of that House. He (Mr. Spooner) opposed that Vote, and divided the Committee upon it; and it was only carried by the casting vote of the Chairman. Such a collection of pictures was absurd and ridiculous beyond conception, and he would warn the right hon. Gentleman that if he permitted this Vote to pass he would soon be called upon for a much larger Vote, in order to provide a building for this uncalled-for and worse than useless exhibition.

MR. BERNAL OSBORNE said, they were already paying a large rent for a building.

MR. SPOONER: Just so; and that clearly showed that the Government would have to provide a building for these pictures. He moved that the sum be struck out.

MR. CONINGHAM said, he divided against the proposal last year on the ground that the multiplication of these galleries was altogether bad. He had thought there should be only one National Gallery, and he had not altered his opinion. This Historical Portrait Gallery was only another illustration of what a great orator said the other day in describing the departments of art, science, and antiquities—that “they were marked by indecision, inefficiency, vacillation, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated.” He believed that statement to be perfectly true. Although there was a paid director attached to the National Gallery he knew that some prints were bought at an auction for £40, and shortly afterwards sold to the nation for £400. However, in the present state of the House it would be useless to divide on the Vote.

MR. EDWIN JAMES said, the collection contained a portrait of Nell Gwynne; but one looked in vain for a statue of Cromwell.

MR. DARBY GRIFFITHS remarked, that there were also portraits of the Duchess of Portsmouth and other people of that kind.

SIR JERVOISE JERVOISE supported the Vote, as the object was a national one.

MR. TITE said, he thought the money asked for would be well employed.

MR. BERNAL OSBORNE said, he ob-

jected to the Vote on account of the management. There were two sets of gentlemen buying pictures—one for the National Gallery, the other for the British Historical Portrait Gallery. Why should Lord Stanhope ride his hobby, and make the nation pay for it? Why not place the whole under one supervision, that of the National Gallery? He objected strongly to this double and *dilettante* Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the Committees felt that the objections raised by the hon. Member for Warwickshire were untenable, and that portraits of historical characters did possess a national interest. It was true that the public might sometimes pay rather higher for pictures, because the mere fact of the nation being in the market as a purchaser would naturally tend to raise prices; but then, on the other hand, many valuable presents had been and would be received, so that upon the whole the public would not be much of a loser. The hon. Member for Brighton (Mr. Coningham) and the hon. Member for Liskeard (Mr. Bernal Osborne), had urged that an account of the prices paid for pictures should be laid before Parliament, and to that he (the Chancellor of the Exchequer) saw no objection. As to the consolidation of the establishments of the National Gallery and the National Portrait Gallery, that was a question that might be properly entertained, but at the same time he thought the same agents could not be intrusted to advise the Government upon the purchase of pictures as works of art, and upon portraits of historical character.

MR. CONINGHAM said, he entertained a wholly different opinion.

THE CHANCELLOR OF THE EXCHEQUER said, that notwithstanding the high authority of the hon. Member, he still believed that neither Sir Charles Eastlake nor any other director of the National Gallery could undertake the duty of selecting historical portraits in addition to his other duties. The identification of portraits, not with reference to their merits as works of art, but their value as real portraits, required an amount of historical knowledge and ability to trace the identity of features which was not possessed by all men, and which it took a lifetime to acquire.

MR. CONINGHAM maintained that the study of art necessarily led to that general knowledge of history and modes of in-

vestigation which would qualify any person to be intrusted with the purchase of portraits. Did Mr. Scharfe possess any peculiar qualification which the Director of the National Gallery did not possess?

SIR GEORGE LEWIS said, he was responsible for the nomination of the trustees and for placing the gallery under a separate administration, and contended that different qualifications were required to enable a man to decide upon the works of the Italian masters and the authenticity of historical portraits. Lord Macaulay was one of the trustees, and no one could dispute the propriety of placing his name on the list of trustees of a National Portrait Gallery, but yet he had never paid any particular attention to art.

Question put,

The Committee *divided*:—Ayes 37; Noes 8: Majority 29.

Vote *agreed to*; as were also the following Votes.

(15.) £1,000, Boundaries of Counties, &c. (Ireland).

(16.) £3,150, Agricultural Statistics (Ireland).

(17.) £10,000, New Courts of Law, &c. (Dublin).

(18.) £669, Pitcairn's Islanders.

(19.) £5,260, Caledonian and Crinan Canals.

MR. BERNAL OSBORNE: It is £2,000 in the Estimates.

MR. LAING explained that there was a Supplemental Estimate to meet the expenses of an award for damages sustained by a neighbouring landowner, and for repairs of the canal, which had proved to be more costly than was anticipated. A Bill had passed through Parliament enabling the Caledonian Canal Company to raise their tolls, which would, it was believed, have the effect of making the undertaking self-supporting.

Vote *agreed to*.

(20.) £1,914, Wellington Testimonial in Phoenix Park, &c.

MR. LAING explained, that it was not a Vote of money, but simply a matter of account, the gun-metal being furnished by the War Department.

Vote *agreed to*, as were also the following Votes.

(21.) £1,680, Fiji Islands.

(22.) £2,500, Drawings by Old Masters.

(23.) £5,000, Dublin National Gallery.

(24.) £5,000, Industrial Museum, Edinburgh.

(25.) £2,660, Guard Room, Windsor Castle.

Vote agreed to.

(26.) Motion made, and Question proposed,

“ That a sum, not exceeding £15,000, be granted to Her Majesty, for the purpose of increasing the accommodation for Painting and Sculpture in the National Gallery in Trafalgar Square, in the year ending the 31st day of March, 1861.”

LORD HENRY LENNOX said, that in accordance with notice previously given, he rose to move the rejection of the Vote. The question had acquired increased importance since the observations made by the noble Lord at the head of the Government on Tuesday last, and he thought the subject was one that ought to have been mooted at a time when there was a fuller attendance of hon. Members. A few nights since the right hon. Member for North Staffordshire intended to call the attention of the House to the plans of Captain Fowke for extending the National Gallery, but he was requested by the President of the Board of Works to postpone his Motion until the consideration of Class 7 of the Estimates. The statement of the noble Lord at the head of the Government, however, seemed to be at variance with what was looked upon as a compact with respect to the National Gallery. His right hon. Friend, having left town, had requested him (Lord Henry Lennox) to give notice of a Motion upon the subject. The right hon. Gentleman the President of the Board of Works, when appealed to upon the subject of the Vote, gave a pleasant offhand answer that the money was wanted to provide room for pictures that might be bought during the recess. That reply appeared to him (Lord Henry Lennox) to be unsatisfactory, as he thought it was improbable that £15,000 should be voted for the re-arrangement of a part of the National Gallery, which, if faith was kept with the public, would be useless next year. The noble Lord at the head of the Government on Tuesday night stated that the Vote was to make space available for such pictures as might be purchased within the next eight or ten years, and to provide accommodation for the statuary exhibited by the Royal Academy. It was quite true that the hall in Trafalgar Square was unfit for the exhibition of works of sculpture, but he (Lord Henry Lennox) maintained that, after all that had taken place upon the subject, it was the Royal Academy, with its ample funds, which ought to find proper

accommodation for the exhibition of their pictures and their statues. For many years those interested in art had urged upon Parliament that the junction of the National Gallery and the Royal Academy was an unholy union. In 1848 the feeling was so strong that a Committee was appointed to inquire into the proper site, and they reported in favour of retaining the present site and getting rid of the Royal Academy. Nothing, however, was done, and in 1852 another Committee was appointed, who confirmed the Report of the former Committee. In 1857 a Royal Commission was resorted to, but, instead of differing from the Committees, as was perhaps expected, the Commissioners arrived at the same conclusions as the Committees had done. Successive Governments had endorsed those Reports, and in February last year the right hon. Member for Bucks (Mr. Disraeli), then Chancellor of the Exchequer, said that—

“ The House will recollect that last Session, wearied by the continued unsettlement of the question, and having no confidence that any further inquiry by Select Committees or Royal Commissions would produce a very satisfactory result, there seemed to be a general feeling that the Government should attempt to cut the Gordian knot, and bring the question of the National Gallery to a final settlement. I undertook, on the part of the Government, in deference to the feeling of the House, to obtain that result if possible, and I have the pleasure of informing the House that I have succeeded in accomplishing that which appeared to be the general wish of the country. The whole of the building in Trafalgar Square will speedily be entirely devoted to the National Gallery.”—[3 *Hansard*, cliii., 182.]

He (Lord Henry Lennox) implored the Government to pause before pressing this Vote, which implied the continuance of the Royal Academy in Trafalgar Square for at least another eight or ten years, according to the statement of the noble Lord. When the Earl of Derby's Government offered a subsidy to the Royal Academy in order to induce them to retire, they said, “ No ; we thank you for past favours, but we are rich, and will build a place for ourselves.” They, however, accepted a part of the site of Burlington Gardens. The House fully expected that an early period of the following Session notice to quit would have been given to the Royal Academy, and that there would at last be a national collection in a national gallery. He proposed to move the omission of the Vote of £15,000 for alterations in the National Gallery ; but it was not a question to be decided in such a phantom of a House

as the present, and if he did not now press his Motion to a division, he should certainly do so upon the Report of Supply. If, however, the weight of the Government should succeed, at the present period of the Session, in carrying the Vote through the House, he gave notice that early in the next Session he should move an Address to the Crown, or propose some other Motion, with the view of obtaining the fulfilment of the pledges which successive Governments had given, and in favour of which successive Committees had reported. The noble Lord concluded by moving the rejection of the Vote.

MR. COWPER said, that the noble Lord entirely misunderstood the purpose of the Vote. It was now twelve years since the question was mooted, as to how proper accommodation should be found for the pictures of the National Gallery. First of all, disputes arose as to whether or not the pictures should be removed out of the smoke and dust of London. That question had become of less importance by the use of glass placed over the pictures, and the general opinion now was that it was not necessary to remove them. The question to be settled was, which site was the best. Some people wished the present National Gallery to be enlarged; others thought that the site of Burlington House afforded a better opportunity for constructing a large and handsome building, in a proper style of architecture, worthy of the object and of the age. Again, it had been considered by others that the British Museum might, with certain alterations, be made conducive to a gallery for pictures. In the last year some preliminary steps were taken to remove the Royal Academy to the Burlington site, where the Royal Academy were willing to incur the expense of building a gallery of their own. But then arose doubts as to the best arrangement to be made for the British Museum, the trustees having determined that it was desirable to remove the natural history collection to another site, and under these circumstances until it was ascertained what was to be done with respect to building a museum, it would have been premature for the Government to dispose of the site of Burlington House. This year had passed away without any decision being come to on the point where the pictures of the National Gallery should ultimately be placed; and though the Government were disposed to deal with this subject as soon as it was ripe for decision,

yet he thought that it was clear that some years must elapse before a gallery could be built in which the pictures could all be collected together, and this temporary and transition state must be endured some two, three, or five years longer, before a final and satisfactory arrangement could be made. Then, what he had to consider when the estimate was formed was how to provide for the increase in the pictures of the ancient masters until either the National Gallery building was entirely given up to the national collection of pictures, or until some other arrangement was made. He thought the first thing to be done was to render the existing space in that building available. He did not think that the Committee would desire to see temporary buildings erected elsewhere for the reception of pictures to be added to the collection. At the present moment all the available space in the National Gallery was made use of. Not only were the walls covered with paintings, but screens were placed in the centre of the largest room to receive pictures, and he did not think that any more available space remained in that portion of the National Gallery. He considered, then, what was best to be done now, in order to render the building more available for the desired object, without interfering with what might be the future destination of the building. The large central hall, 100 feet by 50, was useless now for any purpose; it did not afford space for pictures, nor was it a handsome entrance. At present the building was divided into two parts by this central hall, and a person could not pass from one part to the other on the same level. Therefore, whatever might be the ultimate destination of the building, the first thing to be done would be to cover over the vacant space in the centre, so that visitors might be enabled to pass from one end of the building to the other on the same floor; and he thought it was desirable to do a portion of that work at once. What he proposed was to continue the floor of the galleries across the centre hall, which would provide a saloon of 75 feet by 40, and 35 feet high; and he asked the House to vote the money for the purpose of making this interior alteration without altering the external walls. In addition, another large room would be formed out of the lower portion of the central hall on the ground-floor, which, including the space occupied by the Royal Academy for sculptures, would be made into one large room, con-

taining very nearly the same superficial area (3,000 feet) as the other floor; and for the present this would be appropriated to the Royal Academy for their sculptures. If he asked for a Vote for purposes interfering with the final destination of the building he thought the noble Lord would have reason to complain; but the proposed arrangement did not interfere with any future decision that might be come to with respect to the building. It would only be a step towards making the building useful for one uniform purpose, whether it was retained as a National Gallery or was handed over to the Royal Academy. Other alterations had been suggested for the enlargement of the building by taking in the barracks and St. Martin's Workhouse, which might be got without much expense, as the parochial authorities were willing to give it up, provided that the Government supplied them with another workhouse in the suburbs; and the proposal now made would not interfere with any enlargement that might hereafter be thought desirable.

Mr. BERNAL OSBORNE said, he conceived that what remained of the House at the present moment should feel indebted to the noble Lord for his very clear and lucid statement; and he thought the noble Lord, after the answer just given, could hardly avoid dividing the Committee. It seemed to be intimated that after the proposed alterations in connection with the central hall were completed, other alterations would be made. The noble Lord objected to laying out money on piecemeal alterations, and proposed that the House should wait until one great architectural design was prepared, and then there would be a better chance of spending the money economically and efficiently. The right hon. Gentleman replied, that before that could be effected some three or more years must elapse; but, after all, there seemed to be a hankering after Kensington. He should feel bound to support the noble Lord, who had taken great pains to get up his case, and had put it before the Committee very clearly. He could not say the same of the statement made by his right hon. Friend, whose explanation of how the building was to be lighted, for instance, was not very satisfactory. It seemed that St. Martin's workhouse was to be bought, and a new one erected—perhaps near the "Brompton boilers." The Committee had no plan of the proposed alterations; and he thought it would not

become them, at the fag-end of the Session, to embark in any such expenditure.

Mr. CONINGHAM said, the Government proposed to do either too little or too much; and he would urge them to postpone the Vote until next year. He hoped this suggestion would have the support of the right hon. Gentleman the Chancellor of the Exchequer, who had pronounced so emphatic a condemnation on the whole system of Estimates and Expenditure. The Vote before them was not a Vote involving mere trifling alterations in the gallery; it was really the turning point in the great question whether the vast expenditure on our art collections was to be productive of substantial benefit to the community, or was to be frittered away and jobbed away without any corresponding results. The subject of art was a peculiar one. Of old art used to be identified with religion; now it had become subordinate to science; and was made to minister to the luxury and convenience of society, instead of being intimately connected with any great principle. In order that our art expenditure should rest on a sound foundation, it was necessary that there should be unity, uniformity, and responsibility in its administration; and unless these conditions were observed, he should recommend the Committee to resist any further grants in this direction. The building in Trafalgar Square cost the nation £100,000. It was thought at first that one-half of it would suffice for national purposes, and the Royal Academy was allowed to share the building; Mr. Spring Rice declaring that, though it was allowed the use of the rooms, the property in the rooms rested with the public, and should be resumed by the public when the rooms were required. That time had long since arrived. Owing to want of space bequests had been refused, works of art could not be received, which would otherwise be eligible; and, as the whole building was required for the public service, the Academy ought to be removed. If, indeed, it could be shown that the Royal Academy had conducted to the cultivation of the arts, he should not object to its continuance in the square; but, instead of cultivating high art in its true sense, it had merely ministered to the caprices of fashion; at one moment lauding the insane absurdities of Turner in his later years, and then encouraging the crotchets of the pre-Raphaelites, and setting them up as an example worthy of imitation. The annual exhibitions were not the means of cultivating or improving

the taste; for we had the authority of Sir Joshua Reynolds for saying that those who set up the moderns as worthy of imitation, only misled the public. Had the Academy ever turned out a great artist? As a drawing school it might have been of some service; but that was all. So far from cultivating, it had injured the public taste; and its removal from Trafalgar Square would thus be a public service. At that period of the Session there could be no fair test of the opinion of the House; and he therefore urged the noble Lord not to commit them to any premature decision on this question. The alterations proposed were only calculated to provide for the requirements of the Royal Academy; they would not convert the building into one suited for the exhibition of pictures; and he thought the public money might be far better expended in serving the purposes of a narrow clique.

MR. EDWIN JAMES said, he thought the hon. Member's art essay was rather more fitted for the lecture-room than the House of Commons. But he certainly looked with consternation at the expenditure in which the right hon. Gentleman wished them to embark. The right hon. Gentleman seemed to revel in all these costly alterations, throwing down this building and erecting that, careless of the cost to the public—

"Diruit, ædificat, mutat quadrata rotundis."

He talked of buying the workhouse, but had any architect given him an estimate of the probable expense of purchasing that building, which occupied one of the most costly sites in London? In the absence of any plan the Government ought not to press the Vote.

MR. MONSELL said, he entirely agreed with his hon. and learned Friend. The right hon. Gentleman talked of constructing a great central hall, making a façade, and buying the workhouse. He complained that no plan or estimate had been furnished so that the Committee might know precisely the expenditure in which they would be involved.

MR. COWPER said, he had been misunderstood. What he had meant to say was that the expenditure which he proposed would not necessarily interfere with any future enlargement or adaptation of the buildings; but he never thought of proposing such an enlargement. On the contrary, he believed that his plan of rendering available the great central hall obviated the necessity of any present en-

largement. The expenditure of £15,000 was the substitute for enlargement, and not the preface to it. He did not mean to buy the workhouse and build a new façade. He only said that while certain persons wanted to build there a place for all the pictures belonging to the nation, ancient and modern, including those at Kensington, the Vote he was proposing, so far from leading to further expenditure, would render it unnecessary for, perhaps, the next ten years.

MR. P. O'BRIEN thanked the noble Lord for calling attention to the Vote, for he believed the sum of £15,000 now asked for would be only to make a patchwork building of the National Gallery. He thought the building a disgrace to the country, and he, in common with others, was prepared to vote a larger sum for a building worthy of the country. He felt ashamed, on meeting a foreigner, at being taunted with our disregard of art. They pointed to our National Gallery, and characterized it most fitly as a barrack. We really had no place for the exhibition of sculpture. When they went to Munich, Turin, Dresden, Florence, Paris, or Rome, they were astonished at the manner in which art in Britain was looked after. He would call upon the Government to bring forward a scheme which would be a credit to the British nation, and which would relieve the country from the artistic disgrace under which it at present laboured. He was of opinion that the Vote should be rejected, as it was brought forward with a view of supporting the Royal Academy in the National Gallery building.

MR. SPOONER supported the Amendment, and chiefly in consequence of the speech of the First Commissioner of Works. The noble Lord had told us that it was impossible for the National Gallery to remain long in its present state, and that the £15,000 now asked would not in any way interfere with an alteration which he foreshadowed. Now, if we vote the £15,000 with the knowledge of the fact that the noble Lord had stated an alteration was inevitable, and that possibly it might be the alteration suggested by the noble Lord, we should give a sanction to such alteration. He protested against more public money being laid out on the National Gallery, and, therefore, objected to the proposed Vote.

VISCOUNT PALMERSTON said, he was quite at a loss to understand upon what principle hon. Gentlemen objected

to this Vote, but certainly those objections which had been stated were of the most contradictory and opposite character. He did not refer to the noble Lord who had put forth his objections with great ability, and in a manner very creditable to himself. Another hon. Gentleman, however, had objected to the Vote because, he said, it would involve great expense, but other hon. Members based their objections to the Vote upon the ground of its inadequacy, and they wished for a larger expenditure. They objected to mere patchwork, and wanted a grand and noble plan—one which would be worthy of the country and would involve a large sum of money. The Vote was proposed by the Government on the ground of economy. He utterly denied that the Vote would involve other and consequential expenditure; even assuming that which some hon. Members assumed, that the Royal Academy and the National Gallery could not permanently remain under the same roof. That connection was not desirable, and was merely accidental in its origin. Every one knew that the Royal Academy formerly had apartments in Somerset House. Those apartments were required by the public service, and it was thought that a portion of the National Gallery in Trafalgar Square, not being at the time required for the purposes of the national collection, might be for a time offered to the Royal Academy for their exhibitions. It was found now that the growing wants of the National Gallery precluded a permanent continuance of that union, and the only consideration was to what place the Royal Academy should go, and upon what site a new building should be erected. But that was a matter that involved much time in carrying out any decision which might be come to. There had been a question mooted whether the National Gallery should remain where it now was, or whether, in accordance with the suggestions, not of his right hon. Friend the First Commissioner of Works, but of the Commissioners, the barracks and the workhouse behind should be added, the present gallery pulled down, and a new building erected upon a larger scale and at an immense expense. In the case of the Royal Academy having to move elsewhere, it had been supposed that a portion of Burlington House and garden should be allotted to the Academy. Much had been said about that plan, which would, he believed, require Legislative sanction before handing over the fee simple

of ground belonging to the public, and it could not be expected that the Royal Academy would lay out their money upon a site which did not belong to them. But, supposing that all settled, there was another consideration to be borne in mind, because it was only a portion of the ground at Burlington House that it had ever been proposed to give to the Royal Academy. The remainder of the ground would be appropriated to buildings for public purposes, and any building which the Royal Academy might erect upon their portion of the ground must be a building forming a part of one large plan, the remainder of the buildings completing that plan being devoted to quite different purposes. There was at present this difficulty:—There was the national collection of pictures, which was growing every year, and for which we had not room in the present building. The Royal Academy had been permitted for years to occupy a portion of that building, and could not be turned into the street immediately. We must wait until the Royal Academy had erected another building, as they were willing to do. Hon. Gentlemen had talked about the Royal Academy as though it were an enemy which was causing much mischief. It was a matter very much in dispute whether an academy for the purposes of art was not useful to art. That was a question of theory which could not be decided by prompt execution upon an institution which had existed for a length of time, and which many persons believed had been highly conducive to the encouragement and progress of art in this country. What, after all, was the principle upon which the country was required to spend money for collections of pictures? It was not simply for the gratification of those who took pleasure in going to see them, but he apprehended that it was for the public advantage that art should be cultivated in the country. It was for that reason that we bought the best pictures, for 99 out of every 100 persons who visited the collection were quite unable to distinguish an original from a copy. We procured the best pictures of the best masters in order that artists by studying those models might perfect themselves, and thus obtain for their country that standing among nations which belonged to any country where genius was developed in any art. The main object, he repeated, of forming a National Gallery was to promote the cultivation of art in this country; but he also was of

opinion that the Royal Academy had contributed to that end because, in the first place, it gave instruction to young artists, and, next, it afforded to those who had attained sufficient skill a means of showing to the public the works they had been able to accomplish. For a certain number of years—small, he trusted—the National Gallery and the Royal Academy must be continued under the same roof. It was said the Government ought to propose a grand scheme, but grand schemes were attended with great expense, and it was rather strange that hon. Gentlemen who objected to the expenditure of small sums for particular purposes should be so ready to call upon the Government to propose an immense Vote, which must excite much discussion and difference of opinion. He would impress upon the Committee that the Vote now proposed would effect a useful purpose for the present; it was a proposition which would neither entail great future expenditure nor preclude any arrangement which Parliament might think fit to make in following years. The Government assumed that the building in Trafalgar Square was to be given up to the National Gallery, and that that building, if so given up now, would suffice for some years for all the pictures belonging to the nation. But would that building be available at present? It was utterly unsuited for that purpose. There was a suite of rooms at one end, and a suite of rooms at the other end, and between them was a gulf or chasm, in order to cross which persons must descend a flight of stairs on one side, and ascend another flight on the opposite side. If the Royal Academy were to retire the next day, it would be impossible to remain with so inconvenient a building. They proposed, therefore, to adopt the simplest possible course—to deck over the middle gulf and make an even floor upon the upper story, which for the present would afford sufficient space for the exhibition of the National pictures, and, when the Royal Academy should be otherwise provided for, would make the building more adapted for the purposes of a National collection, and for years to come would avoid the necessity for the large plan and great expenditure which had been suggested. In the meanwhile the plan would accomplish another purpose. Hitherto, with all the attention that had been paid to the cultivation of art, that attention had been chiefly directed to painting, but they had now sculptors of great genius, men

who were worthy rivals of the greatest artists of modern times, but who had no opportunity of displaying to the public the products of their genius. Those works were now placed in a cellar which he had never entered without feeling thoroughly ashamed. It was disgraceful to the country that a number of artists whose works excited the admiration of the world should not have the means of showing their fellow-countrymen what they were doing. In combination with the upper deck, which would give a room seventy-five feet by thirty for the exhibition of pictures belonging to the public, it was proposed, by lowering a few feet the floor of the central hall, to obtain a large space in which sculpture might be decently exhibited. That was an object which those who did not think that art was confined to painting would admit to be a great improvement, and it was one that could be obtained at a small cost. The cost would be only £15,000, and yet the Committee were invited to reject the Vote, and to wait until a grand scheme was propounded, upon which they could expend £800,000 or £900,000. If they agreed to vote the proposed moderate sum, the building might be placed in a condition less discreditable to the nation to which it belonged, and might be made to afford means for exhibiting the pictures. As an annual sum was placed at the disposal of the Government for the purchase of pictures, it would be the height of absurdity to refuse the means for exhibiting them. At present the pictures already possessed could not be exhibited properly, and some were placed on temporary screens and some in cellars. There were persons willing to add by presents to the public collection, and yet it was now proposed to refuse the moderate sum of £15,000 to provide for several years to come the means of showing the pictures which the nation already had and was likely to have. He never in the whole course of his life heard an objection the grounds of which it was more difficult to comprehend. The Vote was necessary to economize the public money. It was often said that the House of Commons drove the Government into large expenditure, and the present debate was a most striking illustration of that observation; for the only conclusion he could arrive at was that hon. Members objected to the Vote because it was so small; and that, provided the Government brought forward some great plan involving the expenditure of some

£100,000, then the House would be ready to vote the money. What the Government now proposed was an economical arrangement, affording additional opportunities for displaying the nation's property in pictures, and, instead of being open to objection on the ground of economy, was deserving approval on that score.

MR. HENLEY said, that the noble Lord had endeavoured to frighten the Committee into the Vote by the mention of the workhouse and the barracks, and appeared to have forgotten that it was the right hon. Gentleman the First Commissioner of Works who first dangled them before the eyes of the Committee. Therefore it was not unnatural that the Committee should take alarm, and suppose that under the cover of this Vote some scheme, of which they knew nothing, was in contemplation. The First Commissioner of Works stated that after the expenditure of the sum of £15,000 the building would be in a convenient condition either for the National Gallery or the Royal Academy; but there lay the whole question, for there was a great feeling in favour of keeping the National Gallery where it was. Under these circumstances, he did not wish to see money frittered away in making temporary alterations, which might prejudice the decision on the ultimate destination of the building. This demand for £15,000 to bridge over the great central hall, for the purpose of providing room for the pictures and also a sculpture room for the Royal Academy made it seem as if the Government meant that the national collection and the Royal Academy should both remain in the same building permanently. He thought it not unnatural that those who disapproved the waste of public money upon what they conceived to be a temporary arrangement should object to the present Vote, as well as those who considered that a larger plan should be brought forward.

MR. AYRTON said, the noble Viscount had enlarged on every topic connected with the subject, except the one brought under his consideration by the noble Lord who introduced the Amendment, and then, with a humility which was surprising, he declared himself unable to comprehend the simple proposition which was understood by every one else, and which was this — that the Government of the Earl of Derby, after the sittings of Committees and Commissions with the general assent of the House, of a large majority of the House, and the general assent of public opinion, announced

Viscount Palmerston

it as the definite determination of the Government that the Royal Academy was to be forthwith removed from the National Gallery, and that the whole place was to be made available for the exhibition of the national collection of pictures. Nay more than that, a distinct site was indicated as one that was to be offered to the Royal Academy; and further, the Royal Academy was stated to be ready to accept it and erect on it a building at its own expense and for its own benefit. Why then had not the Government carried out that arrangement made a year and a half ago? The noble Lord said it took time to make arrangements; but he had had a year and a half and he had done nothing. The reason was that it was not the intention of the Government to carry it out, but it was their intention to avoid it and carry out other arrangements which he would not bring before the House. The question for the Government to answer was, "Do you mean to expend this money simply to carry out a plan for the appropriation of the National Gallery for the national pictures? And do you intend to carry out the arrangement, and that forthwith, for the removal of the Royal Academy?" The right hon. Gentleman the First Commissioner of Works had said that the money was not to be spent to carry out a definite plan for the National Gallery, but to fit the gallery for the double purpose at present of the National Gallery and the Royal Academy, and that some years hence he would come for another Vote to make further alterations, and appropriate the building to its destination.

VISCOUNT PALMERSTON replied, that the plan proposed was calculated to make the present building more suitable than at present for the permanent reception of the national collection. Certainly one part of the arrangement was to render it for a time more suitable for the reception of works of sculpture; and so far it served for the accommodation of the Royal Academy; but there was nothing in the plan which would not render the building permanently useful for the reception of the national collection. With regard to the modern collection of pictures at Kensington, he should observe that it was given by Mr. Sheepshanks to the nation on the express condition that it should be exhibited on that spot, and consequently there must be a building for it there. Ultimately it might be possible that the building in Trafalgar Square might be capable

of receiving, not only the paintings of the old masters, but even those of modern artists. His own opinion was, that it was very desirable to go on with that building as long as possible, and not embark in those large schemes, recommended, not by his right hon. Friend the First Commissioner of Works, but by the Royal Commission. If the alterations now proposed were made in the building, and if the arrangements were carried into effect for transferring the Royal Academy to Burlington House, the present National Gallery would be amply sufficient to contain all the national collections for many years to come. With regard to Burlington House, it was easy to say that the late Government approved of the plan of giving the Royal Academy a site in the gardens, and that there was nothing to do but to let them build; but it must be remembered that the building would not occupy the whole of that space; and they could not be permitted to put down their building just where they liked. That building must be part of a plan embracing other buildings to be erected for Government purposes, and therefore till it was settled what that plan was to be the Royal Academy could not commence their building. It was a matter requiring a great deal of consideration what the style of so large a mass of buildings should be; and then again there was the consideration of the question of expense.

LORD HENRY LENNOX said, that as the Committee had been for some time discussing the question he would not inconvenience the Government, who were anxious to finish Supply to-night, by making any prolonged observations in reply. His task indeed was comparatively easy, for, in fact, the only objector to his Motion was the noble Lord, who, in an elaborate speech, had fought every imaginable difficulty save the one which he had presented to the Committee. In answer to what had fallen from the noble Lord, he wished to say that he had never dreamt of saying anything against the Royal Academy. That institution was very well in its proper place, but he did not think it was in its proper place at present. He could not accede to the request urged in such cajoling terms by the noble Lord, and it would therefore be his duty to divide the Committee.

COLONEL SYKES said, he had always felt the utter want of accommodation for art and artists in this country, but the manner of providing that accommodation

was another question. There was no plan before the Committee, and the circumstances connected with the Vote were so unsatisfactory that he should feel compelled to oppose it.

Question put,

The Committee *divided*; Ayes 31; Noes 23; Majority 8.

Vote *agreed to*.

(27.) £10,000, Temporary Foreign Office,

MR. MONSELL asked how it was intended to spend the money?

MR. COWPER said, it was proposed to make use of Pembroke House and the office of the Comptroller of the Exchequer, and to purchase a house belonging to the Earl of Malmesbury, which would provide a communication between those two offices. There would thus be three houses for the temporary accommodation of the Foreign Office, and they would hereafter form permanent accommodation for some other department when they were vacated by the Foreign Office. A portion of the Vote, £2,500, was to defray the cost of removing, and furniture must also be provided for these houses.

SIR WILLIAM GALLWEY asked, whether the Vote included the purchase of Lord Malmesbury's house?

MR. COWPER said it did.

Vote *agreed to*; as were also the following Votes:—

(28.) £18,000, Site of proposed Foreign Office.

(29.) £38,170, New Westminster Bridge.

(30.) £80,000, Westminster Bridge Approaches.

(31.) £1,500, Carisbrook Castle.

(32.) £87,000, Rangoon Telegraph.

(33.) £1,000, Professor Hansen's Lunar Tables.

(34.) £5,000, Sheriff Court Houses (Scotland).

(35.) £6,300, North American Exploring Expedition.

(36.) £7,000, Franklin Expedition and Monument.

MR. CONINGHAM expressed his gratification at the grant. Sir Leopold M'Clinckock had prosecuted the search in such a way as to deserve all the honours he had received; and he was sure that in erecting a monument to the memory of Franklin and his unfortunate companions, the noble Lord was carrying out the wishes of the whole country.

MR. EDWIN JAMES asked where the monument was to be erected?

VISCOUNT PALMERSTON said, in reply, that the question of the monument to be erected to the memory of Sir John Franklin had not been decided. It was intended to consult the widow of Sir John Franklin on the subject.

Vote agreed to ; as were also

(37.) £75,000, Civil Contingencies,

(38.) £35,000, Rates for Government Property.

(89.) £17,000, Kensington Museum.

MR. AYRTON said, he hoped that the Government would not persist in pressing this Vote. The Report of a Committee had recently been presented, but the evidence had not yet been laid before the House. It was one of those cases in which Government led the way in expenditure and in extravagance, and then afterwards perhaps they would say that the House had forced them into it. From small beginnings the Vote had crept up to its present amount, the establishment keeping pace with the building, and the building with the establishment ; and if the sum then asked were voted, no doubt the foundation would be laid for another and a larger demand upon the public purse. Then the Chancellor of the Exchequer, whoever he might be, would no doubt say, " You should not have voted any money two or three years ago, and then you would not have been called upon for this Vote." He would therefore ask the Government to postpone the Vote until next Session, in order that it might be considered in connection with the appropriation of the magnificent site at Burlington House, and with the location of our national collections generally.

MR. CONINGHAM said, that the Vote before the Committee was only part of a colossal scheme of expenditure. He had spoken that day with a gentleman who was told by a friend of his that he had seen the actual plan, proposing acres of bricks and mortar. The tendency to increase the expenditure at Kensington, the mode in which the officials were paid, and the secret influence which seemed at work in bringing about all these results could only be explained on the hypothesis contained in a pamphlet which was before him :—

" The Indian arrangement was made in deference to Lord Derby's views and in opposition to the rest of the Cabinet, Lord Derby yielding to an influence which is irresistible in the councils of the Queen."

Mr. Coningham

That influence, he believed, was now operating adversely to the public interest. The museum was a local museum, and, if continued, others would be made in other parts of the Metropolis, and a great expense would fall upon the country.

MR. LOWE said, he could not hold out any hope that the Government would not persevere with the Vote. The hon. Member for the Tower Hamlets (Mr. Ayrton) had objected to the constitution of the Committee, but upon that point he (Mr. Lowe) would cite the authority of the hon. Member for Swansea (Mr. Dillwyn), who had a great dislike to the Kensington Museum, but who had expressed his gratification at the very fair selection of hon. Members to serve on the Committee. That Committee so fairly chosen, had examined the subject and had made a Report. Upon that Report the Government proposed to act. Five years ago a house was erected for another purpose—an iron building, which was an experiment, and could not be said to have been a bad one, as it only cost £15,000, which amount it had saved in rent for housing the collection. But the building was not fit for delicate works of art. It could not be made water tight nor air tight, and the temperature varied greatly. The object of the Vote was to place the collection in a building more suitable for its reception, and he would state a few figures upon the subject. The Kensington Museum had cost altogether £167,000—£60,000 for the purchase of the land ; about £50,000 for the purchase of the collection ; and £50,000 had been spent in building, including the iron building now there. What had the country got for that money ? The annual cost, separated as well as could be from the science and art department, was about £7,000, and for that money the country had received in loans and gifts property of the value of £450,000. Mr. Sheepshanks' collection of pictures alone was valued at £53,000, and another collection, valued at between £3,000 and £4,000, had just been received, and more was promised at the death of the lady who was the donor in that case. Thus, in paintings alone, the nation had received £60,000 already. The Museum was visited by 500,000 persons annually, and the Committee reported that it was beneficial to the public and deserving of further support. Under those circumstances, he thought the Government were warranted in asking the Committee to afford the means for placing the collections in a build-

ing where they would be safe from injury. It was proposed to add to the present building, so as to form a quadrangle, across the middle of which a wall would be run dividing the space into two courts of 110 feet square and 100 feet and 120 respectively. Those squares would be covered with glass—one with two semicircular roofs and the other with a glass dome, thus affording a large extent of space perfectly air and water tight. That could all be done for the small cost of £17,000, according to the estimate of the architect, of whom he was bound to say that he had the happy faculty of not exceeding, in the works he had already executed, the estimates he had previously made. He, therefore, hoped the Committee would assent to the Vote. If they were to have a museum to a great extent supported by loans of articles of great value from Her Majesty and others, it was a duty to protect those articles from injury, and it was no answer to declaim against museums in general. The museum existed, it afforded great advantages to thousands, and the question was whether the cheap means of enlarging it proposed, should be adopted.

MR. EDWIN JAMES asked whether, as one of the conditions upon which Mr. Sheepshanks made his gift to the nation was that it should be accessible to the public on Sunday, any steps had been taken to comply with that condition.

MR. LOWE said, the hon. and learned Gentleman was mistaken in supposing that there was any such condition made by Mr. Sheepshanks. It was true that that gentleman had expressed a desire that the pictures should be exhibited on Sundays, but, it having been pointed out that that wish could not be complied with, he had assented to the present arrangement. There was a letter from Mr. Sheepshanks, in which he had expressed the wish, but a formal deed had since been signed, in which there was no condition of the kind referred to.

THE CHANCELLOR OF THE EXCHEQUER said, he thought it was not unnatural that hon. Members should complain that the evidence taken before the Committee had not been printed. He thought, however, that, considering the Committee which had been impartially selected had unanimously recommended that this money should be laid out, and also considering the state of the Session, it would not be reasonable to postpone the Vote upon that ground.

MR. AYRTON said, he would not divide the Committee, as the Government had a majority upon which they could rely. He should leave the responsibility for the Vote with the Government.

MR. CONINGHAM said, he had not been placed upon the Committee, but he had been told that he might produce witnesses to substantiate his charges. He replied that it was no business of his to do so. Mr. Scott had mentioned his case to him, and he (Mr. Coningham) advised that gentleman to lay it before the Committee. The photographic department seemed to be a family concern, as he was informed that the photographer was a son-in-law of Mr. Cole. It was highly objectionable that a public department should indulge in puffing advertisements.

Vote agreed to.

(40.) Motion made, and Question proposed,

"That a sum, not exceeding £80,117, be granted to Her Majesty, to defray the Expense of Erecting, Repairing, and Maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the 31st day of March, 1861."

MR. HENNESSY asked whether a model school for Cork was included in the Estimate.

MR. CARDWELL: It is; £2,000.

MR. HENNESSY said, the right hon. Gentleman was going to spend money in Cork which the people of that city objected to receive.

MR. CARDWELL said, that Cork was the second city of importance in Ireland, and it was thought right to erect a model school there, as had been done in other places. A memorial in favour of a model school had been signed by the Lord Lieutenant of the county, by the Sheriff of the county, the Protestant Bishop, the Mayor, and one of the Members for Cork, and many others. It was true that the Mayor of Cork had since withdrawn his name.

MR. MAGUIRE said, he could prove that half the Roman Catholic signatures were those of persons connected with the College.

MR. HENNESSY said, he should move the omission of the item.

Motion made, and Question put,

"That the item of £2,000 be omitted from the proposed Vote."

The Committee divided:—Ayes 3; Noes 40: Majority 37.

Original Question put, and agreed to.

House resumed.

Resolutions to be reported on Monday.

SUPPLY.—REPORT.

Mr. MASSEY brought up the Report of the Committee on Supply.

Resolutions reported.

Resolutions agreed to.

House adjourned at half after Five o'clock till Monday.

HOUSE OF LORDS,

Monday, August 20, 1860.

MINUTES.] PUBLIC BILLS.—2^a Savings Banks and Friendly Societies Investments; Fortifications (Provision for Expenses); Customs (No. 2); Stamp Duties (No. 2); Peace Preservation (Ireland) Act (1856), Amendment; Defence of the Realm.

3^a Refreshment Houses and Wine Licences (Ireland); Poor Relief, &c. (Ireland); Gunpowder, &c.; Industrial Schools Act (1857) Amendment.

Royal Assent—Consolidated Fund (£10,000,000); Census (Scotland); Corrupt Practices Prevention Act (1854) Continuance; European Forces (India); Poor Law Board Continuance; East India Stock Transfer, &c.; Prisons (Scotland); Lands Clauses Consolidation Act (1845) Amendment; Maynooth College.

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENTS BILL.

RESOLUTION OF URGENCY.—SECOND READING.

THE DUKE OF ARGYLL moved to Resolve—

“That, inasmuch as the Postponement of this Bill will withhold a Power of effecting a considerable annual Saving which may be made under its Provisions, and will thus practically continue for a Time an unnecessary Liability on the Public, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary.”

The noble Duke said, that the questions involved in this Bill, having been already discussed in their Lordships' House at considerable length, he would not now attempt to debate the whole subject over again. He would, however, venture to suggest that although this was not strictly a Bill of Aid or Supply, and therefore did not come under the exception laid down in the general Resolution of the noble Lord the Chairman of Committees, it was nevertheless a Bill which affected the public liabilities. If these funds were lost, the

public would be bound to make them good; and under the existing law there was an annual loss to the public, and consequently an annual increase of liability, which the House of Commons thought might to a great extent be obviated by enlarging the field of investment open to the Commissioners for the reduction of the National Debt. The Bill, therefore, although not technically, was yet practically one of Aid and Supply, and as such would be entitled to immediate consideration as a measure of urgency.

LORD REDESDALE said, he could not agree that this was in any sense whatever a Money Bill. The funds to which the measure related were not public funds; they belonged to the savings banks, and were only held in trust by the Chancellor of the Exchequer, and the Commissioners for the reduction of the National Debt. Their Lordships were as much within their legitimate province in providing for the proper care of the deposits of the people in savings banks as was the other House of Parliament.

LORD MONTEAGLE did not wish to revert to a question that had been already discussed, except to enter his protest against the untenable construction which endeavoured to assign to this measure the character of a Money Bill. That construction, he ventured to say, carried the definition and the characteristic of Money Bills into a class of measures to which, up to the present time, it had never been extended, even by the strongest advocates of House of Commons privileges. Noble Lords on the Treasury Bench would be aware that this was the second Bill which the Government had introduced on this subject. The original Bill which they brought in was, indeed, to all intents and purposes a Money Bill, because it was founded upon Resolutions agreed to by a Committee of the whole House of Commons, and it created a charge upon the Consolidated Fund. That Bill, however, was never reported from the Committee to which it had been referred. The first clause of the Bill was abandoned, and the measure of the Government virtually abandoned. But the present Bill, which consisted of two clauses, was a measure of quite a different kind, and there was no ground for describing it as a Money Bill except an allegation—of which no proof had been given—that it might be the means of effecting some small contingent saving to the public, under very improbable circumstances. In treating this, therefore, as

a Money Bill, noble Lords appeared to be confounding the two distinct measures to which he had referred. He had taken every pains to enable him, if possible, to concur in the Motion of the noble Duke. If he could believe that there was anything in the case to bring it within the category to which the privileges of the House of Commons applied, he should be the last person to raise any question on the subject; but as he did not think so, he should certainly say "Not-Content" to the suspension of the Order.

THE LORD CHANCELLOR said, he had always been favourable to the Sessional Resolution, and would earnestly advise their Lordships to put a liberal construction on it; for if they drew the line too rigidly it would be found before long to trench on the privileges of the other House of Parliament and upon the prerogative of the Crown. He would not enlarge; but he did earnestly entreat them to attend to the caution which he submitted to their Lordships most respectfully.

EARL GRANVILLE said he wished to make an explanation on the matter of privilege. It appeared that the reports of what he stated the other night had raised the impression that the Speaker had given an opinion criticising the forms of their Lordships' House; and he wished it to be clearly understood that the fact was the Speaker had given an opinion with regard to the privilege question before the Bill had left the House of Commons. There could be no ground whatever therefore, for imputing to him any discourtesy to their Lordships' House. Of course that did not in the slightest degree diminish the force of his argument. The noble Lord (Lord Montagu) was not quite accurate in his statement of facts. This was not a different Bill from that originally introduced. It was the same Bill with a number of clauses omitted. He thought the suggestion of the noble Lord as to the dangers that would be incurred by depositors if this measure should pass, was dangerous to the principles on which the savings banks were founded. The depositors in savings banks had no interest whatever in the question raised by this Bill. There was an agreement between the savings banks and the public that the sums deposited should be invested by the National Debt Commissioners, and that a fixed rate of interest should be paid to the trustees of the banks. There was not the slightest doubt as to the right of the trustees, not only to the

interest, but to the repayment of the whole capital whenever, unfortunately, circumstances should require. As to the investment, the savings banks had no other interest than the general taxpayer in economizing the expense to the public. As to the question of the Bill being a Money Bill it proposed to diminish the liability of the public to taxation; whether the saving was £10,000, £20,000, £40,000 or £50,000 a year, it did not signify in point of principle. It so far diminished the liability to taxation.

THE EARL OF DONOUGHMORE distinctly understood that in assenting to this Resolution, on the statement of the Government that they considered the Bill one of great importance and urgency, their Lordships were by no means committed to an acknowledgment that they had acted improperly in rejecting the Bill on a former night.

EARL GRANVILLE said, their Lordships were only bound by the Resolution to which they agreed.

LORD REDESDALE said, he accepted the assurance that the Measure was one of great importance, and on that ground would vote for the Resolution.

Resolution agreed to.

"DISSENTIENT :

"Because, unless the Orders for regulating of the Discharge of the Business of this House are adhered to with Steadfastness and Impartiality, they become Traps for the Unwary, and aggravate the Mischief and Public Inconvenience against the Occurrence of which such Orders were intended to provide a fitting Safeguard.

"Because the Sessional Order which fixes a Day after which it is provided that no Bill shall be read a Second Time in this House, except Bills of Aid or Supply, or Bills on which the House shall have determined that the Circumstances making such Legislation expedient are either of such recent Occurrence or such real Urgency as to render the immediate Consideration of the same necessary, was adopted after full Consideration in 1854, and has been continued for the last Seven consecutive Years, without Opposition or serious Complaint, but, on the contrary, greatly to the Benefit of the Public Service."

"Because a Departure from that Order, unless in Cases arising clearly within its specified Exceptions, will render the Proceedings of this House vague and uncertain, will at the Close of the Session subject them to the discretionary Power of the Government of the Day, and will deprive them of Orders of that Impartiality, Weight, and Authority which are required to maintain the Honour and dignity of the House, and to secure the Public against hasty or ill-considered Legislation.

"Because the Bill regulating the Investments for Savings Banks and Friendly Societies has been before Parliament during a Period of nearly Seven Months, and has not been dealt with by its Framers or by Parliament as a Bill of real Ur-

gency, neither is it founded on any Circumstance of recent Occurrence.

"Because it is not a Bill of Aid or Supply, nor can it be classed as a Money Bill, without the Establishment of a new and dangerous Precedent calculated to impose dangerous Trammels on the free Legislation of this House.

"Because this Bill has not been brought up to this House till the 3rd Day of *August*, when the Period for reading Bills a Second Time in the House had elapsed.

"Because a Resolution having been moved on the 13th *August* to suspend the Sessional Order prohibiting the 2d Reading of all Bills after the 29th *July*, and to permit the 2d Reading of the Savings Banks Investment Bill, such Resolution was negatived after Debate, and the Order for reading the Bill a second Time was discharged.

"Because no further Proceeding was taken in relation to this Bill till the 16th instant, when a Notice was given of an intention to move on the following Day to reverse the former Decision of the House, by suspending the Sessional Order, which it had been determined should not be suspended; and declaring the Urgency of a Bill which the House had previously declined to affirm.

"Because such a proceeding tends to destroy all Confidence in the Maintenance of a Sessional Order adopted after full Deliberation, without a dissentient Voice, and reasserted in Seven successive Sessions with the same Unanimity of Opinion.

"Because no Precedent or Authority has been adduced to justify so extraordinary a Deviation from the accustomed Practice of the House, the Maintenance of which is essential to its Dignity, and a Departure from which can hardly fail to lessen the Weight and Authority which ought to accompany all its Decisions."

"MONTEAGLE OF BRANDON."

Order of the Day for the Second Reading read.

THE DUKE OF ARGYLL moved, "That the Bill be now read 2^a."

LORD DENMAN said, that he was a trustee of a savings bank, of which the trustees had expressed a strong objection to this Bill, as it was introduced into the House of Commons; but as several clauses had been omitted, and no petition been presented, he did not see any objection to certain clauses as the Bill now stood; but if any petition were sent against the Bill, he should feel at liberty to oppose the second reading.

LORD MONTEAGLE said, that the House had not received on the part of the Government any distinct, or still less any satisfactory explanation of the true object of this Bill, or of the manner in which it was calculated to work. He should be sorry, indeed, if any observations he had made on a previous occasion could be construed as affecting in the slightest degree the credit or safety of the deposits in the savings banks. The Bill could not, in that respect, affect the rights of the depositors. Parliament was unquestionably

entirely pledged to the repayment of the whole amount of deposits. The noble Earl had exaggerated the deficiency, which was only £2,000,000, not £3,000,000; but whichever it really was, it came to the same thing—that the assets were not equal to meet the engagements; but there was no ground that would justify the depositor in feeling any doubt as to the ultimate security of his savings, for that or any greater deficiency must be made up by Parliament. This deficiency had arisen in various ways. When there was a run for money on the part of depositors, it was generally, if not uniformly, in times of pressure, which had a tendency to lower the funds, and the Commissioners, to recruit their balances, had to sell out at a loss; but when money was plentiful, in consequence of increasing deposits, the Commissioners were compelled to invest, the funds being high, and they bought at high rates. The public have therefore no choice but to buy dear and sell cheap, suffering a double loss. These, however, were not the only causes of the deficiency—there was another, arising from the present state of the law, and which called for a prompt and conclusive remedy. This was not the first time that the attention of Parliament had been called to the evil he complained of. The first Act establishing savings banks was passed in 1718; and now the enormous sum of £40,000,000 deposited by savings banks and friendly societies constituted a glorious monument of the industry, sobriety, and good sense of the English people. But the system on which the deposits of savings banks were invested was liable to strong objection. The objection to which he had now more particularly to refer was, that it left in the hands of the Government an amount of discretion in dealing with savings-bank deposits with which, it appeared to him, and it appeared also to be the opinion of a Committee of the House of Commons, they ought not to be intrusted. Those moneys he regarded as being held in trust for the depositors, and he contended that those to whose management they were committed, ought to submit to such restraint as would deprive them of any power whatever of using those funds for any purposes except those of the savings banks themselves, save in particular instances in which, under the sanction of Parliament, these deposits might be made use of usefully in some financial operations. He would not, however, have them converted to such uses

on the authority of any individual Minister, nor, indeed, upon any authority short of that of Parliament itself. The course, he might add, which had been taken by his lamented Friend the late Lord Spencer in dealing with the savings banks deposits seemed to him to be that which it was right to take. That noble Lord perceived that those funds afforded him an opportunity of effecting a reduction of the interest on the higher stocks, and, having obtained the sanction of Parliament, he had applied a portion of the savings bank deposits to that purpose with great advantage. He (Lord Monteagle) had at various times, and especially on the 22nd July, 1856, called their Lordships' attention to the subject of savings banks deposits, and since then the subject of savings banks had been referred to a Committee of the other House, who recommended that no investments should be made except for the purposes of the savings banks themselves, and that no funding of Exchequer Bills should be effected without the authority of Parliament. It was said, if financial operations were to be effected, to whom could they be more properly intrusted than to the Finance Minister? He (Lord Monteagle) held a different doctrine. For his part he thought the Chancellor of the Exchequer ought to have as little as possible to do with dealings in the public funds. The Finance Minister did not compete on terms of equality with the other interests engaged in the money market, and therefore ought not to be permitted to enter it. Still less was it justifiable that he should do so secretly, and without full responsibility. The Chancellor of the Exchequer had power to issue a verbal order to an executive officer, holding his office during pleasure, directing him to invest or to withdraw funds from any class of public securities, thus altering the value of the securities on which he operated. This power he held to be utterly indefensible. Without denying the legality of the practice, yet when carried to the extent and degree to which it had been carried of late, even if legal, its policy or expediency was questionable. When the Chancellor of the Exchequer went into the market to buy or sell, he went there necessarily with the knowledge of what financial measures he was going to propose, by which the value of the public securities in which he was dealing would necessarily be influenced. This alone gave him an advantage over everybody else. He had not the slightest doubt that the object with which the pro-

ceeding was undertaken by the Chancellor of the Exchequer was the promotion of the public interests; but when transactions were entered on with a view of diminishing the loss sustained by the present system of savings banks by selling out or buying in, by funding or paying off the unfunded debt, and thus speculating on the Stock Exchange, these transactions ceased to be justifiable. It was perfectly legitimate for the Chancellor of the Exchequer, when impelled by the necessities of the State, to borrow money on Terminable Annuities, but it was neither just nor necessary to throw Exchequer Bills into the market or to withdraw them for the purpose of propping up the Government system of finance, and with a view of diminishing the loss sustained by the difference between the interest received and paid in savings banks deposits. The amount of money with which the Chancellor of the Exchequer dealt was no less than £40,000,000, and his power was not confined to operations arising from the necessity of buying or selling to meet the demand of depositors, but he might operate simply with the object of making a profit like any broker in Change Alley. Such a course could neither be defended nor tolerated. It was utterly inexcusable that the enormous sum of £40,000,000 should be placed at the uncontrolled discretion of a single man. The noble Lord on a former evening had instanced different means of investment in which he anticipated that a larger amount of interest might be obtained than from the ordinary Government Securities—such as the Turkish, the Canada, the Jamaica, and the West India loans, all of which were, it was true, guaranteed by Parliament, and in which, therefore, the noble Duke held that it was competent to the Chancellor of the Exchequer to invest the savings banks moneys; but the noble Lord forgot that by the very act of going in quest of higher interest, a demand would be created for the particular stock sought to be purchased, which, by raising its price, would deprive the Government of that increased advantage for which the transaction was undertaken. He (Lord Monteagle) thought it most unwise to make such investments. The higher rate of interest was a proof of the risk or inconveniency to which such securities were liable. With regard to the Court of Chancery, he believed that the Accountant General only invested in the Three per Cents, either Reduced or Con-

sols; and that was the safest and best security for trustees, because it was liable to the least fluctuation. He also thought that a really responsible authority should be appointed to administer the savings-banks' funds, and that the farce of nominating for such purpose the Speaker of the House of Commons and other functionaries, who knew nothing about the matter, should be got rid of. He wished to make an appeal, which he trusted would be complied with, on behalf of the poorer classes in the country. There was a fraudulent creation of nominal savings banks spreading far and wide. This proceeding was reduced to a system, and the concerns so created were called by various titles, such as "National Savings Banks," "Registered Savings Banks;" but none of them were savings banks under the Act of Parliament, and not a single farthing which the persons connected with them were able to extort from the poorer classes was ever invested or dealt with as savings-banks' money ought to be. He therefore suggested that the Government should introduce into the Bill some provision such as had been recommended by a Committee of the House of Commons, to the effect that no banking concern should be permitted to assume the title of savings bank unless in cases where the rules were properly certified. To this he could not anticipate any objection.

EARL GRANVILLE protested against the imputation with which the noble Lord began his speech, that the Government had never clearly described the Bill. He had himself twice perfectly, accurately, and, he believed, clearly described the Bill, and so had the noble Duke who now moved the second reading. Neither he nor the noble Duke deserved any credit for that, because it would be almost impossible to give anything but a clear description of the Bill, it was so exceedingly simple. The whole thing lay in a nutshell. The Commissioners for the Reduction of the National Debt—who were, as the noble Lord correctly enough stated, all comprised in the Chancellor of the Exchequer—having now the power by law and practice of investing and reinvesting the money deposited in their hands by the savings banks, and on which the Government were pledged to pay a certain interest, in the Three per Cents, the Bill provided that they should be allowed to extend their operations to other securities guaranteed by Parliament. That was the whole Bill, and he defied the

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noble Lord to give any more accurate description of it. The noble Lord had certainly not attempted to do so in his rather long speech. He did not think the noble Lord had been very clear in his objections, not to the present Bill, but to the whole system of dealing with the money of the savings banks. The noble Lord began by stating that his objections were embodied in a speech which he made twelve years ago—a speech which their Lordships could not be expected to have in their minds—and also in the Report of the Committee of the House of Commons which sat two years ago. That Committee recommended that the power of reinvesting savings-banks' funds should be taken away, but, at the same time, they suggested that the power of original investment should be made larger than was proposed by the present Bill. Another of their recommendations was that the duties now performed by the National Debt Commissioners should be discharged by other persons; but that recommendation had not been adopted by Parliament, and he believed never would be. The noble Lord had referred to the case of Lord Althorp making use of the money of the savings banks for the purpose of effecting a reduction of the Four per Cents, and said that that was done with the consent of Parliament. He (Earl Granville), however, believed that the operation was effected before the consent of Parliament was asked. Subsequently, indeed, Lord Althorp applied to Parliament, not for its assent to what he had done, but for authority to pay off the dissentient stockholders. But other operations had been effected under the power now possessed by the National Debt Commissioners, which were very extraordinary indeed. When the noble Lord himself was Chancellor of the Exchequer he did what had never been done before. Exercising a power indirectly derived from the Savings Banks Act, he used the money deposited by the savings banks to pay off deficiency bills, and thus added very largely to the National Debt, without any sanction whatever from Parliament. The noble Lord, no doubt, had excellent reasons for doing so. His example was followed upon one occasion by his successor, Sir Francis Baring, who stated, however, that he was only yielding to the pressure of circumstances, and that upon principle he disapproved such a transaction. The noble Lord, no doubt, might have urged the same plea. Since that time nothing of the kind had been attempted,

and it was clearly against the spirit of the Act that any such course should be taken. In the eulogium which the noble Lord passed upon the provident habits of the nation, which had resulted in the accumulation of £40,000,000, he cordially concurred. The noble Lord, however, proceeded to point out what should be done with the view of prohibiting the Chancellor of the Exchequer in future from dealing with that enormous amount of money. If Parliament should think it necessary to restrict the Chancellor of the Exchequer in the manner suggested by the noble Lord, its action in that respect would not be at all hindered by the present Bill. Their Lordships ought to recollect that the Chancellor of the Exchequer was not a great stock-jobber, acting for his own individual advantage, but the financial agent of the country at large. In that capacity, as long as he kept within proper bounds, he was not only entitled, but it was his duty, to obtain for the public any fair advantage which his position and knowledge might place within his reach. Was he to be prevented, for example, from using any portion of the money of the savings banks for the purpose of paying Exchequer Bills? If so, the interest payable upon those Bills for a period of twelve months would be so much money thrown away, to the disadvantage and loss of the public. The operations of the Chancellor of the Exchequer were closely watched. If he acted wrongly, or even indiscreetly, he would be immediately criticised and the censure of Parliament would fall upon him. As long as the country employed a financial agent to look after its interests, he ought to be allowed to use his own discretion in such matters for the common good, and not obliged to throw every possible advantage into the hands of private capitalists. The noble Lord had attempted to illustrate his case by the practice of the Court of Chancery. But it was not correct that the Court of Chancery could not invest in any security but the Three per Cents. That used to be the case; but the noble Lord was probably not aware that the Court of Chancery had now by law exactly the same power which the present Bill proposed to give to the Commissioners for the Reduction of the National Debt. The noble Lord had argued farther that, if the money of the savings banks were invested in small and unmarketable stocks, when a pressure came there would be greater difficulty and loss in selling them than would be ex-

perienced in the case of the Three per Cents. It was to be observed, however, that under the present Bill the Chancellor of the Exchequer was not enabled to invest more than £7,500,000 out of the whole £40,000,000 in the smaller kinds of stocks, and that, consequently, should he be obliged by a sudden pressure to sell he would be able to get over the difficulty by disposing of a portion of his Consols, leaving the other investments untouched. The clause which the noble Lord had suggested might be useful, and should receive the careful consideration of the Government. He believed the objection to it in the other House was that it would be inconsistent with the rest of the Bill. However, it might be of some use, and, provided no strong objections were entertained to it, he would introduce it upon the third reading. The noble Earl concluded by protesting against the Government being supposed to have said that the subject of this Bill was one of great magnitude, and that it was on that ground that they pressed it.

LORD REDESDALE said, his objection to the Bill was that it dealt with a subject which should be treated in a much larger way. It appeared from the statement of the noble Earl that although one or two operations in these funds which had been conducted by the Chancellor of the Exchequer were advantageous more of them had been injurious ones. In his opinion, the most important and advantageous clause of the Bill was that which required that a statement of all such transactions should be made to Parliament. He doubted whether the clause which had been suggested by the noble Baron (Lord Monteagle) could properly be introduced into this measure; but if it could he should not oppose it.

THE LORD CHANCELLOR said, having been appealed to by the noble Lord (Lord Monteagle) as to the practice of the Court of Chancery, he was in a position to give him most authentic information, for he held in his hand an Act that must have been passed without the knowledge of the noble Lord, or he would have strongly opposed it, and said that the Lord Chancellor was about to dabble in the Funds. The Act authorized the Lord Chancellor and three of the Judges of the Court to invest the money that came into the Court either in the Three per Cents or in such other stocks, funds, and securities as they might see fit; and the Lord Chancellor had also power to order the conversion of money, now invested in Three

per Cents, into any other stocks that he might think would afford a more liberal interest. There was another clause which provided that trustees might with safety and security invest their funds in any stock in which the Lord Chancellor invested.

LORD MONTEAGLE said, it appeared from the last returns that no funds had been invested out of the Three per Cents.

THE LORD CHANCELLOR: No; because not a month has passed since the Act received the Royal Assent.

Motion agreed to.

Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Thursday* next.

FORTIFICATIONS (PROVISIONS FOR EXPENSES) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

EARL GRANVILLE, in moving the Second Reading of this Bill, said that, with the permission of their Lordships, and in order to economise their time, he would postpone the remarks which he had to make in support of it, until he had heard the opinions of other noble Lords upon the subject. He moved that the Bill should be read a second time.

THE EARL OF ELLENBOROUGH: My Lords, this is a very important measure, not only because it contributes materially to the security of the country, but also because it shows the spirit in which Her Majesty's Government regard the present state of things in Europe. I, of course, receive the Bill with satisfaction; because, on all favourable occasions—and I am afraid your Lordships may think that I have sometimes made occasions for myself that were not quite favourable—I have during the last thirteen years endeavoured to draw the attention of this House and of the country to the almost defenceless state of the realm, earnestly desiring that we should not remain unarmed in the midst of an armed world. Under these circumstances, I must regret that the Report on which Her Majesty's Government are now proceeding, having been in their hands since the first week in February, it is only on the 20th of August that we are called upon to give an opinion upon this most important and urgent subject. We have lost four or five months of the long days, during which time the greatest amount of

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work is done, and are thrown back practically for nearly a year, by the delay which has taken place. This is a Bill to provide for improving the fortifications of the Dockyards. At all times the Dockyards of the country have been defended by works of some kind; and it would have been a sufficient justification for asking Parliament to pass this measure, if its object had been solely to make the defence of these Dockyards keep pace with the improvement in gunnery, and the application of steam to navigation. The great alteration which has been made in the extent of the means of defence required, has been effected by the introduction of steam; because that, no doubt, gives extraordinary advantages to the Power which takes the initiative, by enabling it to concentrate all its strength and all its forces upon a given point, so as to make certain of effecting its purpose. We possess no naval or military force which would prevent an enemy, determined upon running the risk, from effecting a landing in this country at almost any point whatever; and therefore we ought, as I have said in this House before, to take care that at every point of our coast, at which an enemy could keep his fleet and could establish a sort of *tête du pont*, and land with his troops and *materiel*, horses and guns, we should have some sort of a fort which could not easily be taken, and which should prevent him from using the advantages which the coast presents. That is a principle which is universally applicable, but upon which we have not yet acted. But, my Lords, it is not only on account of the alterations which have taken place in the matter of navigation and in the improvement of gunnery, that it is desirable this measure should be proceeded with. I go far beyond those reasons. I vote for this measure most willingly, because I entertain that thorough distrust of the French Government, which Lord John Russell frankly told the French Government months ago all the world would entertain, if that Government persevered in its scheme for annexing Savoy and Nice. I agree entirely with all the reasoning of Lord John Russell on that subject. I cannot forget either the events of the last year, explained as they have been by what has since come to our knowledge. We know now that, before the French expedition to Italy was undertaken, a secret compact was entered into between the Emperor of the French and Piedmont,

by which the Emperor was to receive Savoy and Nice, on his annexing to Piedmont the whole of Lombardy and Venetia; there being at that time no quarrel whatever between Austria, Piedmont, and France, and the aggression of Austria having been subsequently provoked by Piedmont, relying on the aid of France. The result, however, of the campaign was, that the whole of the conditions were not performed, Venetia not being annexed to Piedmont, and France therefore could not claim the reward she was to obtain. It must always be remembered that the Emperor of the French distinctly declared that he only entered Italy because Austria had committed an act of aggression; it must, also, be remembered that the greatest of all Emperors, the Emperor Titus—the man who received the greatest honour ever accorded to any human being, that of being called “*Deliciæ humani generis*”—could not have used terms more generous, more disinterested, or more noble in explanation of the cause which he went to support, than did the Emperor of the French in commencing that campaign. I cannot forget these things. I hope the country will not; because when a man has once so committed himself by his conduct as to give just reason to suppose that he does not act from pure motives, he has forfeited all claim to future confidence, and those who believe him afterwards—say what he may—deserve any misfortune that may befall them. But certain States of Central Italy determined to annex themselves to Piedmont. The Emperor of the French said, “That is certainly not the condition on which I was to receive Savoy and Nice; but it is a change of a similar nature. Piedmont is largely increased in strength by it, and it is therefore necessary that France should derive some equivalent, some compensation for it.” My Lords, there have been poets who have imagined a golden age, in which the lion and the lamb should lie down together in perfect tranquillity and mutual confidence. But no poet at any time ever allowed his imagination to carry him the length to which the imagination of the Emperor of the French seems to have carried him. No poet ever dreamt of a state of things in which the lion would not lie down with the lamb without taking previous security for the lamb’s good behaviour; yet that is what the Emperor of the French has done in defiance of the opinion of Europe. When France first sent her army to Italy last year, the answer which the English

people gave to her was the establishment of the Rifle Volunteers; and in the course of some six months 70,000 men joined those corps. At the beginning of this year, when France demanded the cession of Savoy and Nice, our Volunteer movement acquired fresh vigour, and while we, my Lords, were sitting here doing little or nothing, the people added another 70,000 men to those Rifle Corps. That was the second answer of the English people to the French Emperor; and I am perfectly satisfied that if the Emperor should proceed further in the same spirit, a similar and yet more decided answer will be made by the population of this country. My Lords, we see the effect of all this upon Europe. We see, most fortunately for Europe, the commencement of a good understanding between the Powers of Germany, so long separated from each other, and we see indications of that distrust towards France on the part of all the countries of Europe, which the more makes me readily vote in favour of this Bill, in the cautious, suspicious acquiescence which, with many safeguards, has been given to the forward offer of France to intervene in the affairs of Syria. These are among the reasons which induce me to look with satisfaction on this measure. But let us consider briefly what is the measure itself. There can be no doubt that the Emperor of the French thoroughly understands the principles of war, although as yet he has not had a large acquaintance with its practical operations; and depend upon it, he will never venture to send an army to this country without, in the first instance, securing a *tête du pont* that may cover his communications with the sea. Now, of all the *têtes du pont* which he could possibly possess the Isle of Wight would be the best. It commands Spithead and Portsmouth. I am sorry the works at Sandown Bay are not to be considerably stronger, because Sandown Bay is really the key to the Isle of Wight, and, therefore, to Spithead. I shall not go further into the various plans proposed by the scientific authorities for the defence of our Dockyards. I dare say they are based on correct principles, and will be ably carried out. But I observe that there is one point—and that by far the most essential—namely, the defence of Woolwich, in which Her Majesty’s Government have abstained from following the recommendations of the Commissioners. Now, of all questions connected with the defence of

this country, that one is the most vital. Her Majesty's Government appear to have considered that, in the event of an invasion, a battle would have to be fought for the capital; that that battle must be fought in advance of London; and that if it were lost terms of capitulation must be entered into for that city. Now that is to me of all considerations the one most alarming. I am satisfied that if Her Majesty's Government had in their minds the necessity of defending London street by street, and house by house, they never would have consented to leave Woolwich in such a defenceless condition. I greatly fear that the defenceless condition of Woolwich will very materially affect the fortune of that battle which is expected to be fought in advance of London. The general in command of your troops might think that, under all the circumstances, the occasion would not be favourable for attacking the enemy, and his disposition might be to retire, provided he could do so, to a better position, where he might make or receive the attack with more advantage. But no position can possibly be worse than one immediately in advance of London, with Woolwich undefended. The extent of the position is enormous—at least 15 miles; and the attempt of the enemy would not be made upon London but upon Woolwich, because Woolwich being once destroyed or occupied, the arms would, as it were, be struck out of your hands with which you might have had the power of defending London. Woolwich is essential to the defence of London. You may regret that it is where it is; but, being there, you ought to turn it to every account that you can. It is absolutely necessary that it should be placed within an entrenched camp and made safe, and then those who were defending London would have the advantage of those materials of war which are only to be found at Woolwich. It is said, "Of what use is it to think of defending London; it is impossible, its extent being so large." Do these persons forget that in point of fact a great city is a great fortress in itself; that when defended by barricades, with bold men behind them, with plenty of arms, ammunition, and guns, no prudent general would be very willing to attack it? Are we unable to do what the poor inhabitants of Palermo lately did? Cannot we emulate the conduct of that and of so many other cities which have in the same manner defended themselves with success? But if a general would hesitate before a

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great city, which I say is a fortress, what would be his hesitation if on his right flank at a distance of six or seven miles was a great intrenched camp, protecting a great arsenal—a sort of Sebastopol, communicating by covered railways on both banks of the river with the city to be defended, open in all directions to the country behind, so that it would be capable of receiving all the reinforcements which might be sent and accumulated on his right flank, and in two hours placed in the rear of the attacking force. If London were in this position, with Woolwich thus fortified, depend upon it no enemy would attempt to take it. My Lords, Woolwich should be made the citadel of London. We may, as I have said, regret that it is there; but since it is there it is our duty to make it the citadel of London, and preserve it to our own use, and not throw into the hands of an enemy its immense *matériel* of war. These are the views I have formed on examining this subject. They seem to me so important as bearing on the defence, even on the safety of the country, that I do not think it right to withhold them from your Lordships. Among the papers submitted to Parliament is one in which Lord Overstone states, in terms by no means too strong, the dangers that would result from the occupation of London. I entirely agree with Lord Overstone's remarks. But Lord Overstone was desired to give his opinion on the supposition that private property would be respected. What opinion would he have given if the more rational supposition had been taken—namely, that private property would not be respected? Whatever might be the disposition of the leader of the French army, it is idle to suppose that any control could be exercised over French soldiers in possession of London. Depend upon it, if London should ever be in the possession of an enemy, the sack of London will stand by the side of the sack of Rome by the troops of the Constable of Bourbon, and equal to it in all its circumstances of horror and atrocity. It is to prevent such a state of things that I would entreat the Government to take all the means in their power to make it impossible for any enemy to effect their purpose. If we are to fall in defending ourselves against invasion, let us fall with our arms in our hands, and with honour; at least let the people of London do what can be done in resisting the advances of a hostile army. Now, one word as to the number of our regular troops. There can be no doubt this country derives an enor-

mous advantage from what is called "the Rifle Volunteer movement." I trust that movement will proceed. I trust that it will acquire still greater numbers, and that it will attain still greater efficiency. It is impossible to speak too highly of those persons who have carried forward that movement, or to over-estimate its importance. It is by far the greatest movement in this country, the most vital event I recollect since the battle of Waterloo. It gives us at once increased strength at home and consideration abroad. But it is contrary to reason to expect that these men, brave as they are, good marksmen as they may be, can act in open plain against a well-disciplined enemy. Acting under cover, behind hedges, and in woods, and as light troops in defence of villages and houses, they will be of immense assistance to a general; but, after all, it must be on the regular army, on its numbers and strength, that the ultimate fate of this country will depend if that terrible misfortune, an invasion, should ever occur. I cannot but express my deep regret that our regular army is not much larger. I will not go through the details, though I have looked into them most carefully, as to what force could be brought into the field. Acting on the true principle of Napoleon I., of concentrating our force for a great battle—not on the old system of endeavouring to cover and defend everything, which I dread most in case of invasion—if we use against the Third Napoleon the principles we may learn in the writings of the First, then I have no fear at all, provided we put into the hands of a general the force he may fairly require. But, my Lords, we have not that force. I do think that force necessary; a large portion of its expense might be met by reductions if the Government frankly took up the subject; but the expense ought to be incurred if it could not be met by reductions. Such a force, I repeat, is necessary to give entire security to this country. I ask for no more than security. No man in the world can entertain less than I do any idea of using a military force for the purpose of offensive operations. I desire nothing but entire security for the country. I desire to avoid the dreadful horrors which invasion would bring on every part of the country, not only on account of the destruction of credit and the ruin of private fortunes it would carry along with it, but because I am quite sure that if an enemy were but three weeks in this country, no matter how the retirement of

that army might be effected, it would be impossible for us practically to re-establish the constitution under which we live. I feel perfectly satisfied that the whole people, indignant with the Government—or dissatisfied with the form of Government—to which they, as probably, might attribute their misfortunes—would insist on vast alterations, whether in the direction of revolution and republicanism, or, what is equally probable, in the direction of the Crown, giving greater authority to the Executive, I do not know; but in whatever direction that change may be made, it would be equally fatal to civil liberty, and to the institutions which have made us what we are.

EARL DE GREY AND RIPON: My Lords, after what has fallen from the noble Earl, I shall not, with regard to the general principles involved in this measure, attempt to add any feeble words of mine to the very powerful arguments he has urged; but there are one or two points in the speech of the noble Earl on which I would offer a few remarks. First of all, the noble Earl seemed to complain of the omission of Woolwich from the scheme of fortifications presented by the Government to the House on the recommendation of the Royal Commission. That subject has been most carefully and minutely considered by the Government and the constituted military authorities of the country. It should be borne in mind that the recommendations of the Commission in regard to the defence of Woolwich, were far from fulfilling the large and extensive scheme so ably sketched out by the noble Earl for the defence of London. The Commissioners simply proposed the erection of a redoubt on Shooter's Hill—which, though it might afford some protection, would be far from constituting a complete defence to that arsenal, which lies in a position naturally completely defenceless, being commanded from every side. To be fully defended it would require very different measures from those included in the recommendations of the Commissioners. The Government had the great authority of Sir John Burgoyne and Sir Howard Douglas for the course taken in not at present adopting the recommendations of the Commissioners in regard to the erection of that particular fort. It would not have afforded such defence to Woolwich as would have justified the expenditure required; and standing alone it would be of comparatively little value for the defence of London. Sir John Burgoyne has

expressed a decided opinion that for the defence of London we must look to operations at a distance from the Metropolis, and to the effect of operations in the field, which must take place long before an enemy could reach London. It would be presumptuous in me, not being a professional man, to offer an opinion on the great scheme proposed by the noble Earl, involving so grave a proposition as that of defending this great city from street to street, and from house to house. I should misrepresent the views of the Government if I did not say that this subject has occupied, and must occupy, their most serious attention; but the scope of this Bill does not include a scheme for the defence of London. We must look, in the first place, to our naval resources as our best line of defence; to the means which may be brought to bear to prevent the landing of an invading force, and then to the subsequent operations in the field. The noble Earl has alluded to the smallness of the regular force we should be able to bring into the field. I entirely agree with the noble Earl in thinking that we must look very much to regular troops for operations in the field. But we have made a great stride in the means of national defence by the creation of our Volunteer corps. I do not desire to exaggerate the importance of that movement; but I may be allowed to say that I entertain a strong hope that it may be found to be of great utility in the maintenance of peace by the manifestation which it affords of the spirit which animates the people of this country, and of their determination to defend their native shores. I believe, too, that when the hour of peril arrives—if, indeed, it does come—the Volunteer force will be found to be of the greatest possible advantage in occupying our various garrisons, in operating against the flank of the enemy, and even in the case of some battalions—I speak upon good authority—in taking part in operations in the field. Whether we should maintain in this country a much larger regular army than we have hitherto kept up, is, of course, a question for Parliament to decide. But upon that point I may observe that the regular force which we possess at the present moment is greater than that which we have had at almost any previous period of our history; that it has undergone no diminution during the last few months, and that it stands numerically at a higher point than it did in the spring of 1859. It is a force, I may add, which, in the

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opinion of the Government, is sufficient to meet the exigencies of the time; but, whether they be right in entertaining that opinion or not, it is satisfactory to know that the tendency of this Bill is to utilize that force to a greater extent than independent of its operation would be possible. I cannot, under these circumstances, my Lords, doubt for a moment that you will give a second reading to a measure which is purely of a defensive character, which is aimed against no country, which has reference to no Government, which the great changes that have recently taken place in military science have rendered necessary, and which is to be regarded not so much as a warlike proposition as one calculated to secure and maintain the peace of Europe by ensuring to this country the respect of other nations.

THE EARL OF ELLENBOROUGH observed, that when he spoke of the importance of making Woolwich a great entrenched camp, he had omitted to mention that the principle on which his recommendation was founded did not originate with him—he spoke on the authority of the Emperor Napoleon, not, of course, in respect of Woolwich itself, but in respect of Naples. He should recommend his noble Friend (Earl De Grey) to read two or three of the letters in which the Emperor Napoleon gave his brother, King Joseph, advice as to the manner in which he should defend Naples. The manner in which the Emperor advised his brother to defend Naples was that in which he (the Earl of Ellenborough) advised the Government to defend Woolwich.

Motion *agreed to*; Bill read 2^a accordingly; Committee *negatived*; and Bill to be read 3^a *To-morrow*.

REFRESHMENT HOUSES AND WINE LICENCES (IRELAND) BILL.

THIRD READING.

Bill read 3^a (according to Order).

The Question was put, “Whether this Bill shall pass?”

Resolved in the Affirmative.

“DISSENTIENT.

1. Because although the last Clause of the Refreshment and Wine Licences Act, passed on the 14th June last, states that it shall not apply to *Ireland*, yet this Bill in most of its Provisions is a Counterpart of that Measure.

“2. Because, although the Act 1 W. 4, c. 64, being ‘An Act to permit the general Sale of Beer and Cyder by Retail in *England*,’ does not extend to *Ireland*, and hitherto in *Ireland* every Licence

for the Sale of Spirits and Beer (which includes Permission to sell Wine) has been granted subject to a discretionary Prohibition by the Magistrates, subject to Appeal, yet this Bill deprives the Magistrates of *Ireland* of a great Portion of their discretionary Power, and will prevent them from beneficially restricting the Number of Houses to be separately licensed for the Sale of Wine, and from preventing Retail Wine Houses being as numerous as the Beerhouses in *England*.

"3. Because a mere restricted Veto is substituted for the Prohibition contained in the 4th Section of 4th Wm. 4 (which Act is referred to in the 43rd Section of this Bill), which, in addition to the Grounds of Prohibition contained in this Act, should be introduced into any permanent Measure.

"4. Also, for the First, Second, Fourth (with the Alteration of the Hour 'Five' to 'Seven'), and Fifth Reasons contained in my Protest of the 11th June 1860, against the Refreshment Houses and Wine Licences Bill.

"5. Because the 20th Section of 4th Wm. 4 has not been in any way applied to this Bill, and by it, or a Modification of it, all respectable Inhabitants might assist the Police in suppressing Drunkenness and punishing Drunkards.

"6. Because Clause 40 of the *English* Act is entirely omitted from this Bill, and might even have been improved upon herein, by rendering all Persons found drunk in the Street, whether (otherwise than by being drunk) indecent or not, liable to an increased Fine, and to Imprisonment.

"7. Because in any general Measure the Justices or Divisional Justices or Court to which Appeal is made should grant all Licences, as they are far more fit to do than the Excise, whose chief Duty is to increase the Revenue, or than the Police, who, without any Duties as to Licences, may have sufficient Responsibility in detecting Drunkenness, and in helping to convict Drunkards and Keepers of ill-conducted Houses, but more so as such Magistrates adjudicate on all Cases of Evils and Crimes produced by Drunkenness.

"8. Because while Coroners in *England*, according to Usage, and a Report of a Select Committee of the House of Commons, retain and will retain the Initiative in all Inquests (whether paid by Fees or Salary), the Magistracy of *Ireland*, most of them unpaid, and without any Interest in granting or withholding Licences, except as to the Preservation of Order, and as to the diminishing the Temptations to and Punishments for Drunkenness, ought to have at least as much Confidence reposed in them as in any other Public Servants.

"9. Because the Feeling against the proposed and lately enacted Measure is every Day increasing in *England*.

"DENMAN."

PEACE PRESERVATION (IRELAND) ACT (1856) AMENDMENT BILL.

RESOLUTION OF URGENCY. SECOND READING.

THE EARL OF BESSBOROUGH *moved*, to Resolve

"That, inasmuch as the Peace Preservation (*Ireland*) Act, 1856, will expire at the Close of the present Session of Parliament if not continued by the said Bill, the Circumstances which re-

quire Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary."

Order for the Second Reading read.

Moved, That the Bill be now read 2^a.

THE EARL OF LEITRIM disapproved the scheme for raising police officers to the rank of stipendiary magistrates, which he thought would prove detrimental to the efficiency of the service, and hoped the Government would reconsider their determination.

LORD MONTEAGLE believed that the selections, if judiciously made, would add to the magistracy of *Ireland* many efficient and valuable members; but, in order to enable the new stipendiary magistrates to act with firmness and impartiality, and to give weight to their decisions, it was imperative that they should meet the gentlemen with whom they would be called on to associate on a footing of entire social equality. If carefully selected, and, above all, if legally competent, they would be treated not only as equals, but in most instances their experience would cause them to be looked up to as guides. He therefore deprecated most earnestly the elevation to the bench of officers who had risen from the ranks. He by no means wished to curtail the rewards to which deserving members of the force entitled themselves, but their promotions should not be made at the risk of disorganizing the bench.

THE EARL OF BESSBOROUGH said, his experience led him to dissent from the apprehensions entertained relative to the results of promotions from among the officers of the constabulary. He had known gentlemen who formerly held commissions in that force and afterwards made excellent magistrates, their appointments giving general satisfaction. In the county of Carlow particularly, where from difference of religious and political opinion it was of consequence to appoint a person of great discretion,—he might say, a picked man,—an officer of constabulary had been last year selected by the Lord-lieutenant of the county, and had since discharged his duties in an admirable manner.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Thursday* next.

DEFENCE OF THE REALM BILL.
RESOLUTION OF URGENCY. SECOND READING.

EARL GRANVILLE *moved* to Resolve,

"That, inasmuch as the Construction of Works

of Defence which are found to be necessary for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and certain other Works for the Defence of the Realm, require that immediate Provision should be made for Purchasing and obtaining Possession of considerable Portions of Land, and for keeping other Lands free from Buildings and other Obstructions, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary."

The noble Earl added that the measure was a necessary corollary to that which their Lordships had already sanctioned. Its object was to afford a cheap and easy method of obtaining land requisite for the construction of works of defence.

Motion agreed to; Bill read 2^a (according to Order); Committee *negatived*; and Bill to be read 3^a *To-morrow*.

House adjourned at half-past Eight o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, August 20, 1860.

MINUTES.] PUBLIC BILLS.—1^o Exchequer Bonds (£2,000,000); Consolidated Fund (Appropriation); Poor Law Officers' Superannuation.

2^o Militia Pay; Trustees, Mortgagees, &c.; Debtors and Creditors Act Amendment; Chancery Evidence Commission; Coast of Africa, &c. Act Amendment; Offences within Her Majesty's Possessions Abroad.

3^o East India Loan; Spirit Duties; Law and Equity; Titles to Land (Scotland) Act (1858) Amendment (No. 2); Sale of Gas Act Amendment.

SUPERANNUATION ALLOWANCES (CUSTOMS).—QUESTION.

MR. HENNESSY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he would be disposed to entertain the applications of certain Officers of the Customs who, owing to the recent changes, have been obliged to retire from the service, for a commutation of their superannuation allowance into money payments, taking into consideration the special circumstances of each case?

THE CHANCELLOR OF THE EXCHEQUER said, he was not aware that any applications of the nature described had been made by Officers in the Customs. The commutation of annual allowances into money payments was not, generally speaking, an admissible practice in the public Departments, because, supposing

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that the value of a pension were paid at once, and the person who received the money subsequently fell into distress, there would be a risk, if he had been a meritorious servant, that the public would still be called upon to shield him from pecuniary want in his old days. The practice was, therefore, one which required to be watched with great care, lest the public should have to pay these pensions twice over. This case, however, now referred to was a special one. In consequence of the reductions of public establishments it might possibly happen that a considerable number of persons would leave the Customs at an early age, and he did not say that under these circumstances the principle of commutation was inadmissible, particularly where the allowance was small, and exclusively, of course, in those cases where the person was young, and where it was to be presumed that the immediate possession of a sum of money would be of much greater value to him than a prospective annual payment. The Government would not, therefore, consider themselves precluded from considering applications of that kind, having regard to the special circumstances of each case.

SUPPLY.—REPORT.

On bringing up the Report of the Committee of Supply—

LORD CLYDE AND THE INDIAN ARMY. OBSERVATIONS.

SIR DE LACY EVANS said, he wished to address a few words to the House on behalf of his noble and gallant Friend Lord Clyde. It will be in the recollection of the House, that in the course of the discussions respecting the amalgamation of the Indian forces, an hon. and gallant Member referred to certain supposed opinions of Lord Clyde, to the effect that in his (Lord Clyde's) opinion, none of the General Officers of Her Majesty's Indian forces were qualified to hold divisional command. He (Sir De Lacy Evans) stated at the time he was convinced that could not be an accurate representation of his noble Friend's opinions; and he was pleased now to find that his conjecture was perfectly correct. The shortest and most direct way to correct the mistake, would be to read two or three lines from a letter he had just received from Lord Clyde: "I never intended," said Lord Clyde, "to draw an invidious comparison between the officers of

the Royal and Indian Services, or to desire to exclude from employment or divisional commands a fair proportion of the officers of the local army, so many of whom served with great distinction under my command." His noble Friend never wished to contend for more than a fair proportion of divisional commands being given to officers in the Royal service, on grounds that he laid down in much detail; but he was much hurt at finding that passages from some of his letters that were printed in the Parliamentary papers had had an interpretation put on them which they would not bear; and he therefore expressed an earnest wish that he (Sir De Lacy Evans) "would be good enough to state publicly to the House that the interpretation put on a passage in Lord Clyde's letter on the 8th of March, by Major-General Birch, was overstrained and inaccurate." This candid and honourable tribute to the services of the officers referred to by their illustrious Commander-in-Chief, together with his frank disclaimer of what he had been unfairly accused of, can but enhance the high public estimation my gallant Friend has so nobly won; while it will be a consolation to the distinguished officers, whose services are thus remembered and acknowledged, for the wholly unmerited depreciation their professional characters were lately so unhandsomely exposed to in this House. It was impossible to add anything to this statement, especially as the new order of things might be said to be consummated; but it was desirable that Parliament should know that no prejudice against those officers existed in the mind of their late Commander-in-Chief.

WESTMINSTER IMPROVEMENT COMMISSION—QUESTION.

SIR WILLIAM GALLWEY said, he rose to ask the First Commissioner of Works, Whether the Government will grant a Committee next Session for the purpose of inquiring into the Westminster Improvement Commission? He wished, in the first place, to call attention to the condition of Victoria Street. Any Gentleman who would take the trouble to turn his steps in that direction would witness a scene of ruin and desolation which could not be paralleled in any other capital in Europe: houses half built, and more than half in ruin; plots of ground, that if a title could be made to them would be worth their surface covered with gold, now the receptacle of all the filth in the neighbour-

hood, and the resort of the vice and degradation of that dense population. Surely the House would not allow this state of things to continue. The Commission was constituted in 1849, on certain conditions. The first condition to which the Commissioners were bound by the Act was, to make a direct communication between Pimlico and Westminster Abbey, and also to complete a spacious and convenient approach from that part of the town to the Houses of Parliament. He regretted to say that they had been prevented from carrying out the first condition by the Dean and Chapter of Westminster. A corner of land had unfortunately been left in their hands, on which the Dean and Chapter had constructed a hideous building which looked like a nunnery outside, and was inside, he understood, a den of attorneys. Any one who looked down Victoria Street from Pimlico would scarcely believe but that a feeling of spite as much as cupidity had been the motive that induced the Dean and Chapter to shut up their noble cathedral and prevent it from being a grand and noble object in the future street. If the House did not consider the present disgraceful state of things a reason for interfering, surely the fact that £80,000 of the public money had been advanced would justify it in bringing a pressure to bear upon the First Commissioner of Works. The right hon. Gentleman might name a fresh Commission, or infuse some fresh blood into the present Commissioners, giving them the power of selling the land and half-finished houses and lodging the amount in the Court of Chancery, to be distributed as equity might direct. In any case, he trusted that this property would not be left in its present disgraceful state. If it were thought better to appoint a Select Committee, its inquiries should be carried further back than those of any former Select Committee, so that the gross dishonesty might be exposed which had occurred at the commencement of the Commission; and brought the undertaking to its present position. He wished to ask whether the right hon. Gentleman would consent to grant a Select Committee to inquire next Session into the proceedings of the Westminster Improvement Committee?

MR. COWPER agreed with the hon. Baronet, that the present condition of Victoria Street was a most lamentable indication of the mismanagement of the building society known as the Westminster

Improvement Commission. The Government had, however, no responsibility or control in the matter, nor had it taken any part in the affairs of the Commission. [Sir WILLIAM GALLWEY: They advanced £80,000.] He could not state what the Government would do next Session; all he could say was, that if the hon. Baronet made out a good case, and offered good grounds next Session for appointing a Select Committee, he for one would not offer any objection.

INCREASE OF PUBLIC EXPENDITURE. OBSERVATIONS.

MR. LINDSAY said, he rose to call the attention of the House for a few moments to the enormous sums which had been voted away in the present year for the public service. In February, in his financial statement, the Chancellor of the Exchequer estimated the expenditure for the year at £70,000,000; which he (Mr. Lindsay) and many others considered excessive. Large as that sum was, it had since been increased, by £3,300,000 for the China expedition, £2,000,000 for fortifications (which was stated to be an instalment of an outlay of £9,000,000, but which he (Mr. Lindsay) believed to be more likely £20,000,000,) and another £1,000,000 for Exchequer bonds; making in all an expenditure of about £76,400,000. That large expenditure might not be felt severely at the moment; but if there should come a bad harvest, and scarcity of employment, there would be great discontent throughout the manufacturing districts. That was a dangerous prospect, and we might have more difficulties to apprehend from the unhappy condition of our own people than from the violence of any external enemy. He therefore hoped the Government would not lose sight of the importance of economy, and would endeavour to curtail the public expenditure, notwithstanding that those large sums had been actually voted. A considerable portion of the increased naval and military expenditure had been created, as was alleged, by the state of affairs across the Channel, and especially from the addition which France had made of late years to her naval power. But upon the authority of a pamphlet recently published under the sanction of the Emperor of the French, what was the actual state of affairs? On the 1st of July, 1860, Great Britain had afloat (including block-ships) 63 steam line-of-battle ships, while

France at that time—and, indeed, a month later—had but 35. Of steam frigates, England had 41 and France 38; and of smaller vessels, including transports, England had 388 and France only 195. The totals were that England had at the present moment afloat 492 screw vessels, and France 268. If those figures were correct he did not think there need be much fear of France attempting to cope with us on the waters. From the fear that had been exhibited, however, it would appear as though the present race of Englishmen had reversed the creed of their forefathers, and, instead of reckoning one British ship as worth two French ships, they considered one French vessel equal to two English. Was there never to be a limit to the building of those huge ships of war? Not only were our numbers superior afloat, but we had a larger number on the stocks than France had. With regard to the fortifications, he considered it would have been very much more satisfactory if the Committee appointed to inquire into the matter had been composed of others besides officers in the army. Suppose Sir Robert Peel had nominated a Committee of gentlemen immediately connected with agricultural pursuits to consider the operation of the corn laws, was it probable that the result of their labours would have been satisfactory to the public? His hon. and gallant Friend the Member for Westminster (Sir De Lacy Evans) had correctly said of him (Mr. Lindsay) that he was no authority upon a question of fortifications; but he thought if a few men of business had been on the Fortification Commission they would have looked at the question with less contracted views. What had the House been doing during the present Session but spending money? Why was not the Bankruptcy Bill, in which he and other commercial men took an interest, passed? The Reform Bill also, and many other measures of great public importance had been dropped—nothing beyond the measures connected with the Budget and the Commercial Treaty had been passed. He admitted that the Commercial Treaty was likely to produce great results to this country. He differed from the public opinions which had been expressed with regard to it; the more he saw and heard of that treaty, the more convinced he was that it would increase the commerce between this country and France. But while with one hand we were extending the intercourse between this country and France, and thus promoting harmony

and goodwill between the two nations, we were with the other hand spending millions, which would do much to nullify the effects of the Commercial Treaty. He, perhaps, had less reason to complain than other Members of the little that had been done this Session, for the measures which he brought forward the House had been good enough to pass ; but the Government, he was sorry to say, had taken no step to carry them into effect. The House unanimously resolved that it was desirable that this country should enter into a maritime treaty with France, but he did not find that one single step had been taken to obtain that maritime treaty. The House thought proper to agree to a Commission with regard to harbours of refuge for saving a large amount of life and property. No step whatever had been taken by the Government to carry into effect the Resolution of the House. The least the Government ought to have done, if they did not intend to act upon the Resolution of the House, was to have brought forward a Motion to rescind that Resolution. The Attorney General had described this as a singular Session ; but he (Mr. Lindsay) would call it a most unsatisfactory Session indeed. Long as the Members whom the country had sent to that House had been kept there, no measure of progress, with the exception of the Commercial Treaty, had been agreed to ; whilst, on the other hand, there had been a large expenditure of the public money. He warned the Government that the lavish expenditure into which they had led the country would greatly weaken their influence.

MR. HADFIELD said, he could not admit that a Session had been misspent in which such important financial measures had been passed, and he believed he spoke the sentiments of his constituents when he said that the Chancellor of the Exchequer was entitled to the gratitude of the country for the efforts he made to secure the sanction of the House to the Commercial Treaty. He believed that we had in the French Emperor a friend, who was anxious to conciliate our good wishes. The Commercial Treaty had removed a barrier which the prejudices and hostilities of centuries had raised up between England and France, and the two peoples might now unite in commercial intercourse, and that intercourse would have a beneficial effect upon the other nations of the world. He deplored, however, the enormous military expenditure to which the House had as-

sented. The fortifications which were about to be constructed would create not friendship, but feelings of hostility between ourselves and the French. The expenditure for fortifications was a false policy.

COMPANIES BILL—QUESTION.

MR. MALINS said, he wished to know, Whether it is the intention of the President of the Board of Trade to withdraw the Companies Bill for this Session ? He thought that the manner in which the legal measures of the Government had been continually postponed, time after time, afforded great ground for complaint.

FORG D TRADE MARKS.

QUESTION.

MR. BASS said, he would also beg to ask the President of the Board of Trade, Whether he will be prepared to bring in a measure to check the Forging of Trade Marks early next Session ?

MR. MILNER GIBSON said, that in answer to the question of the hon. Gentleman (Mr. Bass), he had to say that Government had a Bill prepared on the subject of trade marks, and that if there had been any probability of passing it through during the present Session he would have laid it upon the table. It was a somewhat difficult subject—somewhat of the nature of a law reform, which was perhaps not very appropriate for the Board of Trade to undertake ; they had, however, given their best attention to the subject, and had prepared a Bill which, to a certain degree, met the evils that were complained of.

With regard to the Companies Bill he could assure the hon. and learned Gentleman (Mr. Malins) that they had been sincere in their intentions of proceeding with it ; but it was not in his power to bring it on when he desired, owing to the very important business which occupied the House. The utmost labour had been bestowed on the Bill, and those whose time and labour had been employed upon it would be disappointed when they should hear that it was not the intention of the Government to proceed with it this Session. It had been suggested that parts might be left out, and that the rest might be proceeded with ; but it was thought better, it being a consolidation Bill, to abandon it altogether during the present Session, and bring it in in the next. He hoped when they did so that they should have the assistance of the hon. and learned Gentleman and of the other Members of the legal

profession in the House, who, however, he must say, had not been as a body always active in promoting legal reform. The Lien on Freight Bill was unfortunately not sent up to the House of Lords until after they had resolved not to read any Bill a second time, except in a case of urgent necessity, and it could hardly be said that this was a very urgent measure. The hon. Member for Sunderland had complained that no steps had been taken to carry out the Resolutions of the House in regard to harbours of refuge, but the Government would have been to blame if they had attempted hastily to legislate on so large and important a subject. When the hon. Member for Sunderland proposed, against the wish of the Government, that a further expenditure of some £4,000,000 should be incurred in the construction of harbours of refuge, he was not actuated by those strong feelings of economy which he now displayed. With regard to the Lien on Freight Bill, he hoped they would have an opportunity of proceeding with that measure at some other time, and he had no doubt that the Resolution to which the House had agreed in reference to the recommendations of the Commissioners on Harbours of Refuge would lead to legislation of some kind or other on the subject.

THE MASSACRES IN SYRIA.

QUESTION.

MR. MONSELL besought the indulgence of the House while he asked the noble Lord at the head of the Government to give some further explanation of a statement which he made on Friday last in answer to a question which he then put with regard to the affairs of Syria. He (Mr. Monsell) asked the noble Lord on Friday what instructions were given to Lord Dufferin as our Commissioner in Syria, and he pointed out to the House how completely the system of Government carried out in the Lebanon, chiefly through the influence of this country, had failed, the Druse and Maronite chiefs being altogether subject to the influence of the Pasha, as was anticipated at the time by those best acquainted with the country. In reply to that question the noble Lord at the head of the Government stated that Lord Dufferin and the other Commissioners had been instructed to inquire what would be the best system of Government for the future to be established in Syria. The noble Lord went on to state that, in his opinion, the disturbances in the Leba-

non were commenced, not by the Druses, but by the Maronites, and made some further observations with a view to exonerate the Turkish Government from blame. He need not point out to the House how important were such observations, falling from the First Minister, or how calculated they were to encourage the most erroneous notions which prevailed in Syria with regard to the views of the British Government as to these unfortunate transactions. It was shown that such erroneous notions did exist by the cries which were heard both in Tripoli and Damascus, "that the English Government would take the part of the Druses;" "that they did not care for France or Russia, because they were quite sure England would be on their side." Of course nothing was more absurd than such notions, but it was most unfortunate that any word should escape the noble Lord in the least calculated to encourage those absurd and erroneous notions. All the documents that had been laid before the House went to show that the Druses had been the real aggressors, that the Turkish authorities and the Turkish soldiers had aided them, and had in many instances even exceeded them in ferocity. He wished, with the permission of the House, to cite three important authorities. The first was Mr. Cyril Graham, of whom Lord Dufferin, in transmitting a most able Report from that gentleman to the noble Lord the Secretary for Foreign Affairs, said—

"Your Lordship may rely with implicit confidence on the accuracy of all Mr. Graham's statements of fact, as his knowledge of Arabic and his personal acquaintance both with the Druse and Maronite populations, combined with the opportunities he has had of visiting the places where these tragedies have occurred, will have given him peculiar facilities for arriving at the truth." The second was M. Le Normant, who had bestowed a great deal of study upon Eastern questions; and the third was a Protestant missionary, who had written a most interesting letter from Damascus. All three agreed in the statement that the disturbances were commenced by the Druses; that the Turks might have easily prevented what happened had they wished to do so, and that the Turks having had full warning were guilty of complicity. The Protestant missionary said, that throughout the whole of the winter the Druses were allowed to make preparations for the coming war, while the Christians were prevented doing so. M. Le Normant stated that at Beyrout the very day when

the outbreak took place, and when the Druses had taken the Maronite villages, Kurschid Pasha went to a camp established near Babbah, and when two guns were fired immediately after his arrival the whole of these villages were instantly set on fire. A village was burnt at two musket shots from the camp, and the Governor forbade the Arabs to carry corn to the mountains where 40,000 Christians had taken refuge, with a view of starving them out. This was not a mere feud between the Druses and the Maronites; it was a persecution of the Christians of all sects. Protestants, Greeks, and Catholics, were all equally attacked. At Deir-el-Kammar the Turkish soldiers, in putting some Christians to death, said, "Call upon your God, and see whether he will give you any help!" and at Beyrout crosses were thrown down to make the Christians trample them under their feet. Mr. Graham stated distinctly that if the Turkish Government had used the slightest exertions it might have prevented the feud from spreading. He then went on to describe the massacre at Hasbeya. The Maronites were induced by the Turkish Governor to give up their arms, and to go into the Serai Palace, used as a barrack. This was on the 29th of May, and on the 6th of June many of the soldiers were seen to be leaving, and then: Mr. Graham said—

"The unfortunate people, when it was too late, saw clearly how treacherously they had been deceived. They rushed into the outer court and entreated to be let out. The signal was then given, the gates thrown open, and in rushed the Druses, armed with any weapon they could seize, and then commenced an indiscriminate slaughter of all the males. Some, indeed, made their way through the door to the outer gate, only to be seized by the Turkish soldiery; nor were these passive only in the transaction. Many Christians whom I have examined have sworn to me that they saw the soldiers themselves taking part in the slaughter, and the subsequent behaviour of these brutal troops to the women was savage in the extreme. From the wounds I have seen, both on the living and the dead, it would appear that they went to work with the most systematic cruelty; ten, twelve, and fourteen deep cuts on the body of one person is not unfrequent; some of the wounds show that they were made with blunt instruments. In short, everything was used which came to hand, and, according to the nature of the weapon, hands and limbs were cut off, or brains dashed out, or bodies mangled. Women the Druses did not slaughter, nor, for the most part, I believe, illuse; that was left for Turks and Moslems to do, and they did it. Little boys of four and five years old were not safe; these would be seized from the mother and dashed on the ground, or torn to pieces before her face; or, if her grasp was too tight, they would kill it on her lap; and

in some cases, to save further trouble, mother and child were cut down together. Many women have assured me that the Turkish soldiers have taken their children one leg in each hand and torn them in two."

At Deir-el-Kammar and at other places he also mentioned that the Turkish troops were seen assisting in the massacre. From these statements it appeared to be perfectly clear that the Turkish Government had anticipated this outbreak during the winter, that they had endeavoured to prepare the Druses for the work in which they were to be engaged, and to put the Maronites in a position in which they could offer no resistance. He trusted that the noble Lord, however desirous he might be to maintain the Sultan on his throne, would not allow it to be understood that the influence of this country would be exerted to preserve any system under which such abominations could take place. He now looked back with pain on the part which in common with the great majority of that House he had taken in 1855 and 1856 in supporting a war undertaken for the purpose of maintaining the Turkish Empire. It was useless to attempt to bind the Turks by any laws; there was in them an ineffaceable cruelty and treachery which no efforts could subdue. No doubt the noble Lord justly considered it was of great importance to the balance of power in Europe that the Turks should be preserved as long as possible at Constantinople; but that object might be too dearly purchased. He hoped the noble Lord would not allow that object to influence him, so far as to prevent these Christians throwing off that abominable yoke. He hoped the noble Lord, while preaching the principle of nationality in one part of Europe, would not allow it to be put down in that country where the Christians were oppressed by the Turks. He earnestly entreated the noble Lord to state now what he meant in stating that it was the Maronites and not the Druses who had commenced those atrocities, and also how he thought it possible to exonerate the Turkish authorities.

VISCOUNT PALMERSTON: I confess I regret that the right hon. Gentleman has thought it advisable to transfer to this House the dispute which has unfortunately taken place between the Druses and the Maronites. He has quoted passages from the papers which have been laid before Parliament, which have been read before two or three times, and which, though they must always be heard with regret and in-

dignation, have really nothing to do with the question which he has put to me. I have also to regret that the right hon. Gentleman has thought fit to become the advocate of the dismemberment of the Turkish Empire. He omitted, however, to state which was the foreign Power to which he was desirous of transferring Syria. I suppose it would not be England, and he will allow that it would not be for the interests of this country or for the general interests of Europe that other foreign Powers should divide the Turkish Empire between them. No doubt, there are great and just complaints made against the Turkish rule. It is not from any predilection for the Turkish race that I think it desirable to maintain that empire; but any man who has paid the slightest attention to the matter must know that the Turkish Empire could not be partitioned without involving a general European conflict, or, at all events, in its results, without adding to other Powers positions of great military and naval importance, to the serious detriment of the interests of this country. I am surprised that the right hon. Gentleman should have given us his opinion on this subject without telling us candidly to what foreign Power he thought it desirable to give Syria; and probably he might also have favoured us by informing us what other foreign Power he would wish to see at Constantinople. My right hon. Friend said that by the arrangement made for the internal administration of Syria, by which the Maronite districts were administered by Maronite Chiefs, and the Druse districts by Druse chiefs, both became easily subservient to the Turkish Pasha. He is totally mistaken. It is in consequence of the weakness of the Turkish authority in Syria that from time to time these deplorable animosities of race between the Druses and the Maronites have burst out. I do not dispute, what is proved by these papers, that the Turkish authorities in Syria—my right hon. Friend talks of the Turkish Government, but that is a misnomer—that the Turkish authorities in Syria have behaved infamously ill—infamously ill; that some of the Turkish soldiers have behaved abominably ill. But, so far from the Turkish Government sheltering or protecting those miscreants, Fuad Pasha, who has been despatched to Syria with a large military and naval force, immediately on his arrival proceeded to arrest 400 of the principal offenders, and sent Osman Bey and Kurschid Pasha to Constantinople to

be tried. It was felt that their trial would be better conducted on the spot than at Constantinople, and after having been degraded in the presence of all the military—after having had their orders and military insignia stripped from them, they were sent back to Beyrout in order to be tried, condemned, as I believe, and severely punished, as I trust, for their infamous crimes. My right hon. Friend's question had very little to do with the greater part of his observations. He wants to know why I stated that I had reason to believe that the Maronites were the first aggressors. I am very reluctant to advert to these things, because I think it of no use to inquire who struck the first blow. I was sorry when he forced from me my opinion the other evening, but I cannot now refrain from answering his question. The facts of the case are these:—For several months before the outbreak there certainly were among all the Christian communities in Turkey and other parts of Europe rumours that such an outbreak would take place in Syria in the spring. It is well known that large supplies of arms were furnished to the Maronites—European arms, coming from Europe—I cannot tell whence they came—some of them were sold openly in Beyrout, and beyond those I have reason to believe great numbers were supplied to the Maronite population. If my right hon. Friend will refer to the papers presented he will see in a despatch of Mr. Moore, Her Majesty's Consul at Beyrout, that the war began with an attack by the Maronites on four or five villages in which there was a mixed population of Druses and Maronites, for the purpose of expelling the Druses. It was also currently believed that there was a Maronite committee sitting at Beyrout, of which Bishop Tubia was the directing agent, and that the object of their deliberations was to excite the Maronites to take advantage of this opportunity of expelling the Druses at all events from the mixed districts. My right hon. Friend says that reports prevailed in places he mentioned that the British Government would bear the Druses harmless for any atrocities they committed. I do not know whence he gathered his information. I never heard of it, and it must be the invention of those from whom he received it. Such a report is totally baseless; it has no foundation whatever, and can only be circulated by persons who wish to serve their own purposes by doing so. The British

Government has had no more intimate communications with the Druses than with the Maronites. Having stated thus much, I am at liberty to add that not long ago Lord Cowley, in conversation with M. de Thouvenel on the subject, expressed the opinion that the Maronites had been the first aggressors, and M. de Thouvenel said he believed so too; that he believed the Maronite priests had excited their flocks to commit acts of aggression against the Druses. At the same time that is no excuse for the Druses; it is no palliation for the enormities they have committed. I dare say that if the advantage had been on the side of the Maronites they also might have been guilty of some excesses; but I do not believe they could have been capable of anything like the atrocities of the Druses. The answer, therefore, which I have to give to my right hon. Friend is, that he will find at page 6 of the Papers presented to Parliament an account of the attack by the Maronites upon the mixed Christian and Druse villages, and that, in the opinion even of the French Government, the Maronites were the first aggressors. No doubt there had been from time to time border feuds between the two hostile races, and therefore it is very easy, by holding up single cases of outrage, to make either party the aggressors; but the question is, who began the war? Individual outrages, I fear, were too common on both sides; and it is impossible to say that either the one or the other began those attacks. The question is who commenced what may fairly be considered a war between race and race, and that question I have already answered.

THE ENGLISH AND FRENCH NAVIES.

EXPLANATION.

LORD CLARENCE PAGET: I wish to correct a statement made by my hon. Friend (Mr. Lindsay) respecting the relative strength of this country and of France in line-of-battle ships. My hon. Friend has quoted from a French pamphlet, which is not official, and therefore we are not bound to accept its statements as true, even of the strength of the French navy in regard to line-of-battle ships. I will not, however, quarrel with its statements on a subject upon which the writer may have had very fair information; but at least we may be permitted to know what number of line-of-battle ships we have ourselves. The pamphlet gives us 63 steam line-of-battle ships afloat. [An hon. MEMBER:

Including blockships?] It does not say a word about blockships. But the fact is we have at this moment 52 screwships of the line afloat and nine blockships, making 61. Now, blockships are of course available for service afloat, but still I do not think it is fair to set them down as equal in point of efficiency to line-of-battle-ships. There is one thing which the pamphlet altogether omits as regards the French navy, which is that the French Government are building 10 iron-cased ships. We are building only four. Therefore the statement that we are making undue preparations on this side of the Channel, and that we are preparing a vast steam navy as compared with that of France, is not borne out by the facts.

EUROPEAN TROOPS IN INDIA,

QUESTION.

COLONEL DUNNE said, he rose to ask the Secretary of State for India, if the Troops lately in the Service of the East India Company, but transferred to the Royal Army, have been attested in the same manner as the Soldiers of the latter Service; also, whether they have received bounty, or whether any precautions have been taken to prevent discontents similar to those which have proved so injurious to the Public Service in the East?

SIR CHARLES WOOD did not clearly understand the question. The European troops now in India were Queen's troops. Those who remained from the former local force had been offered the option of discharge, and having chosen to remain they received an allowance of two years' service and became Queen's troops.

SUPPLY.—REPORT.

Resolutions (Supply) reported.

(26.) £15,000, National Gallery Improvements.

MR. CONINGHAM said, he would not allow this Vote to pass unchallenged, notwithstanding that the House had agreed to it by a small majority. All he (Mr. Coningham) asked was that there should be a postponement of this matter till next Session, when a consideration of the whole question would take place, and when the matter came to be inquired into it would, he believed, be found that the present scheme would satisfy no one. The grant of £15,000 would be insufficient for the improvement of a Gallery worthy of the national pictures, and the scheme would be

inadequate to meet the views of the Royal Academy. He had been charged with having no other propositions, but he would venture to say that his proposal was a clear, distinct, and economical one—his proposal was that the Royal Academy should be removed from the National Gallery, and the whole of the building given up for the public pictures and for the purposes of a National Gallery. If the Royal Academy had really fulfilled the purposes for which they were intended, that of cultivating and promoting the fine arts in this country, he should see no reason for removing them from Trafalgar Square; but Academies in general, and the Royal Academy in particular, were founded upon the patronage of Princes, and the management of them always fell into the hands of the directors, who naturally regarded the interests of their own body, instead of keeping in view the interests of the artistic world and of the public. Though therefore the Royal Academy might originally have contained some eminent men, the object of the Academy had wholly failed, and therefore he was justified in asking for their removal from the national building. The Royal Academicians were at present only tenants at will, but he believed their real object to be to get possession of the fee-simple of the whole building. In discussing these questions he had always found the Chancellor of the Exchequer ready to agree with him on principle, but when they came to details the right hon. Gentleman invariably voted against him. It reminded him of the nobleman whose benevolence was so very diffusive that it was never found possible to concentrate it on one object.

VISCOUNT PALMERSTON thought his hon. Friend laboured under a misapprehension as to the facts of the case. Upon the one point he believed they were generally agreed—namely, the advantage of the study and cultivation of the arts by the members of the Royal Academy. That was a question which came practically into the discussion. The hon. Gentleman wished a postponement of the whole question to another year. The “whole question,” however was the removal of the Royal Academy elsewhere. Now, that the Royal Academy should go elsewhere, was, he apprehended, a question already decided. The material point to be determined upon was where they were to go. The arrangement now making involved the intention of appropriating the whole of the building

Mr. Coningham

to the national pictures. If the Royal Academy had constructed a new building and were prepared to remove to it immediately, the National Gallery would then be given up altogether to the national collection. But even under such circumstances what they were now doing would be absolutely necessary for the national collection. So far, then, as they had proceeded, they had done nothing which precluded the carrying out the arrangement that was so much desired by the hon. Gentleman. The sum voted would render the building better adapted than it now was to the purposes of a national gallery.

MR. JOHN LOCKE said, it appeared to him that the noble Lord did not put the matter very clearly before the House. It was satisfactory, however, to hear the noble Lord say that the Royal Academy was to be removed, and that they were not to occupy the building in Trafalgar Square longer than could be avoided. As it was originally constructed it was to be adapted wholly to the National Gallery. The wall in front was only intended to be temporary. By the removal of that wall the whole building could be rendered completely applicable to its original purposes, if the Royal Academy were removed from it. If they were turned out of it they would soon find a place to locate themselves in, as the Society was in the possession of plenty of funds.

MR. DANBY SEYMOUR said, that when the National Gallery was first built it was too large for the pictures, and the Royal Academy was allowed the use of one half of it. Since then the national collection had so much increased that they had had to build a second National Gallery at Kensington for their reception—thus dividing the collection. The iron buildings that had been there constructed were found injurious to the pictures, and they would have to be removed. They would, however, do for students and schools of art, and he suggested that the pictures should be taken to the National Gallery, and the Royal Academy be allowed the use of the buildings at Kensington. By this arrangement we should have one National Gallery, and all the schools of art would be under one roof.

MR. KINNAIRD said, that the question had been settled by the House, but he regretted that it had been settled before the Correspondence moved for by the hon. Member for North Staffordshire had been laid before the House. It would then have

been seen that Captain Fowkes' plan was much better than that which had been resolved upon. They might find afterwards that the £15,000 was misspent, instead of adapting a permanent building at a smaller cost.

LORD HENRY LENNOX was sorry that hon. Members who now expressed regret that this question was settled were not here on Saturday to diminish the small majority of the Government. The question, however, had been on Saturday put so fairly before the House and the country that he for one was quite content to leave it there. He was happy to hear the noble Lord distinctly say that he considered this question of the removal of the Royal Academy a settled matter. They had, however, heard that said so often that he for one could place but little faith in it.

(37.) £75,000, Civil Contingencies,

MR. EDWIN JAMES said, that this Vote had been passed in such haste that he had had no opportunity of stating his objections to it. He had intimated to the Secretary of State his opinion that the House should receive some explanation of the sum of £3,668 17s. 0d. charged for expenses incurred in the preparation of the Reform Bill of 1859. That sum was paid to a firm of Parliamentary agents, Messrs. Baxter and Co., although a counsel received £2,000 a year for drawing Government Bills, and a vast deal of the duty of drawing similar Bills was always understood to devolve upon the law officers of the Crown. This was one of the most monstrous charges he ever knew. The Bill, he would admit, was well and ably drawn, and in that respect came out in strong contrast to that of the present Government. Still, he believed such a thing had never been done before as to transfer to a firm of Parliamentary agents the responsibility of drawing a Bill that was supposed to amend the constitution of the country. There was another item to which he must refer, and which related exclusively to Her Majesty's present Government. The present Government had made no charge for drawing their Reform Bill, and he did not wonder at it, for any special pleader would have drawn a Bill in the same style for three or four guineas. There was, however, an extraordinary charge of £2,622 for collecting statistics, to satisfy an order of the House of Commons, of the number of male occupiers in the Parliamentary boroughs. This was the Poor Law Return that was to be the basis of

the Reform Bill; the Return was challenged as having been incorrect, and it turned out to be utterly fallacious; for, although the noble Lord the Member for the City of London said that the objections to the Return were ludicrous, a Committee was appointed by the other House to consider the subject, and they found that the Return was useless as a basis for a Reform Bill. Some explanation was required on this point. He would proceed to other items included in the Vote. He found in these Civil Contingencies a Vote of £11,000 for entertainments to distinguished persons. Here was an item for entertainment to the Chancellor of the Exchequer on board the *Terrible*, on going to the Ionian Islands, of £56 5s. Then came an item for entertainment to the King of the Cannibal Islands—he begged pardon—the King of the Sandwich Islands. Now, he would confess he would rather spend money in “the feast of reason and the flow of soul” with the right hon. Gentleman than with the latter potentate; but, while the cost of entertaining the right hon. Gentleman was £56 5s. 0d., the cost of entertaining the King of the Sandwich Islands was £65 4s. 0d. Some explanation should be given in reference to these extraordinary items. He must say these Estimates had been passed in a most unsatisfactory manner. The Government had postponed them until so late a period that it was impossible to consider them satisfactorily. Sometimes they were considered in so thin a House that scarcely forty Members were present. [Mr. BRAND: Oh!] It was all very well for the Secretary to the Treasury to cry “Oh!” for when a division was coming the hon. Gentleman and his colleague went out through that door like peripatetic philosophers of the Porch, and very soon sent in a subterranean phalanx from the supper rooms. The hon. Gentleman's charming face beamed with the hope of success at the door, and Members came in to vote for the Government who had not heard a word of the discussion. He thought the public mind would soon be excited very seriously on the question of our public expenditure. While a great responsibility devolved upon the Government for bringing in the Estimates so late, there were Members who filled those benches, and who talked very loudly of economy, retrenchment, and reform—and he referred particularly to some of the Manchester school—who left to twenty-five or thirty Members at the end of the Session the duty of exercising a

vigilant control over public expenditure. When these hon. Members talked so loudly upon the hustings and at Manchester about economy and retrenchment, they ought not to desert the question of economy and retrenchment in that House when the Estimates came on for discussion.

MR. LAING said, he would endeavour to give an explanation of the particular items in the Vote for Civil Contingencies to which the hon. and learned Gentleman alluded, and for which the present Government were responsible. As regarded the item of £2,622 for collecting information in connection with the Reform Bill of this year, the House would recollect that the accuracy of the Returns already on the table had excited much interest, and was actually called in question. The right hon. Member for Cambridge (Mr. Walpole) moved for certain returns with the view of checking the Poor Law returns. Those returns related to the payment of the income and assessed taxes in different boroughs. As it was impossible to obtain the latter returns within the required time by the ordinary means, and the Government had no power over the parties to whom application would have to be made, the noble Lord at the head of the Government, deeming the subject to be one of such urgent importance, gave directions for the employment of the extra assistance which was needed in order to ensure their completion within the prescribed time. With respect to the entertainment of distinguished personages on board ship, the explanation was a very short one. It was customary to incur some expense in entertaining distinguished personages who, travelling for public objects, had obtained a passage on board one of Her Majesty's ships, and as the pay of captains in the navy was not such as would justify this extra outlay being thrown upon them, it had always been the custom to make a grant of public money to defray the expense. The only question was whether the personages alluded to in this instance were distinguished personages. Some people were born great, some achieved greatness, whilst others had greatness thrust upon them. One of these personages, however, undoubtedly came under the second class; for his right hon. Friend the Chancellor of the Exchequer had achieved greatness. And he thought the King of the Sandwich Islands might be included under either the first or the last of the definitions. He therefore thought the item could not

Mr. Edwin James

be objected to. With respect to the sum of £3,600 for preparation of the Reform Bill of 1859, he thought hon. Gentlemen opposite could best give an answer to that question, for it would be seen by a reference to the Treasury Minute ordering that payment that it was dated June 13—some days before the present Government came into office, and therefore they were absolved from all responsibility. He could not, however, help remarking that the value of matters of this description was to be determined by two standards—namely, the amount of labour bestowed upon the article and the intrinsic value of the thing itself. Measured by the first of these he thought the charge could not be called excessive. The hon. Member had observed that the Government had salaried law officers to do this work; but a Reform Bill was a work of a very different character from that of drawing ordinary Bills. As an instance of the moderate nature of the charges made, he referred to one of £33 6s. 8d. for perusing 183 brief sheets, comprising seventeen different schemes of reform suggested to the Chancellor of the Exchequer and other members of the Government from time to time. He could only say, as far as he personally was concerned, that if any one had requested him to place 183 brief sheets in his carpet bag by way of a little light reading, to be remunerated by a payment of £33, he should most respectfully have declined to perform the request. But with respect to the second standard—the intrinsic value of the article—that depended on a variety of æsthetic considerations—it was very much a matter of taste. The hon. and learned Gentleman preferred the classic style and preferred to see the Goddess of Liberty unencumbered with superfluous drapery. But the Bill of 1859 was a work of the Romantic school, emanating as it did from a Government who had in their Cabinet two distinguished authors of works of imagination. “Fancy franchises,” too, were then in fashion, and the consequence was that the Bill was not so simple as it might have been. One effect of its introduction was the dissolution of Parliament. Another effect was one which all on that side of the House would rejoice at, and which many Gentlemen opposite would not deplore—it placed the helm of the country in the hands of his noble Friend (Viscount Palmerston). With respect to the charges of extravagance which had been made against the Government, it had been said by some of

the patriotic guardians of the public purse, that Government had almost purposely delayed the introduction of the Estimates to the end of the Session, so that they might pass them without comment. Now, how stood the facts?—for it was right the public should be informed of the truth of the case. The Army and Navy Estimates were brought under discussion as early as February, and, indeed, none of the Votes were discussed at an unusually late period of the Session. The Vote for the fortifications was considered while the principal leaders of the various parties in the House were present, and was carried by a large majority. The Civil Estimates were all that remained to be disposed of; and he wished to remind the House, in reply to any charge of extravagance that might have been attempted against the Government, that whereas during the last ten years it had been customary to show an annual increase of £200,000 over the preceding year, this year there had been a positive decrease of £300,000; showing thus far a saving, as compared with past years, of £500,000. This would prove the Government had not been forgetful of economy. It would be recollected that a Commission had sat for the purpose of discovering how the Civil Service expenditure might be reduced, and the only reduction they had been able to recommend was one of a trifling character—namely £500 from the salary of the office he himself happened at present to fill—namely, the Secretary of the Treasury. He thought this formed a rather favourable contrast between the results of the labour of that Committee, insisted upon by the professed guardians of the public purse, and the practical result of the desire for economy evinced by the Government; it was £500 as against £500,000.

MR. MALINS said, it appeared from the statement made to the House by the hon. and learned Member for Marylebone, that the introduction of Reform Bills was an expensive amusement, and led to a great waste both of time and money. It appeared that the introduction of these two Reform Bills had cost the country £6,000 in money, and a considerable portion of two Sessions of Parliament, and the sacrifice of nearly every measure of public utility. In the present Session at least all the practical measures which would have done honour to the Session and the country had been passed over on account of the consumption of time in the discussion of

the Reform Bill. For whom was this expensive amusement provided? The noble and hon. Gentlemen opposite, they all knew, wanted no Reform Bill, and on his (Mr. Malins') side of the House there was no very great desire on the subject. It was provided, then, for the special delectation of the hon. Member for Birmingham and some twenty Gentlemen below the gangway, and for their amusement these large sums of money were to be spent and the time of the country was to be sacrificed without any practicable result. The great advantage of past experience would be to induce the House to avoid similar errors for the future, and his object in rising was to express a hope that the noble Lord, after such bitter experience of the Reform Bill of this year, which had cost the country so much money and so much time, and which with universal satisfaction, excepting to the twenty Gentlemen below the gangway to whom he had alluded, had been withdrawn, would profit by past experience, and would not pester the House with a Reform Bill in the ensuing Session. The hon. and learned Member for Marylebone said that any special pleader would have drawn a Reform Bill for three or four guineas. [MR. JAMES: Such a one as the last]. Well, there was great simplicity in that Bill, but there was also a great deal of destruction, and he believed that all parties were now agreed that if a Reform Bill, such as the Government introduced, had passed, they might have bid adieu to the greatness of England. ["Oh!"] That was his opinion, and he ventured to say it was the opinion of an overwhelming majority of the people of England. ["Oh, oh!"] If it was not the opinion of the people of England how did they account for the fact that the hon. Member for Birmingham, and those few persons who co-operated with him and coincided in his views, had agitated the country without success? He was satisfied that what he was now saying had the general concurrence of the House—and with the exception of a very few Members of the House, there was a general desire that there might be no attempt to introduce another Reform Bill next Session, or indeed for some time to come. There were some things in the representation of the people which he should be glad to see altered, but he saw plainly that when a Reform Bill was introduced, it was an attempt to make such extensive alterations in the country that no one could foresee what the consequences

might be, and the result of the discussions which had taken place in that House on this subject had led the country and the House to the conclusion that it would be unsafe in the present aspect of foreign affairs to embark in such an undertaking. Nothing, therefore, would give the people of the country greater satisfaction than to know that it was not the intention of the Government to make any attempt of this kind during the ensuing Session. He hoped that next year they might have an opportunity of applying themselves to practical legislation, because he ventured to predict that if the noble Lord introduced another Reform Bill like that introduced this year, months of time would be wasted, it would have the same result, and it would produce the same dissatisfaction in the country and amongst the Members of that House.

MR. PIGOTT said, he did not expect hon. Gentlemen on the Opposition benches to encourage the noble Lord to introduce a Reform Bill, but as an independent Member he must express his belief that the noble Lord would retain his seat on the Treasury bench for a very short time unless he did introduce a Reform Bill. The total of the bill of Messrs. Baxter and Norton, the Conservative Parliamentary agents—£3,600 for drawing the Reform Bill last year—was very large, and he should move that the item be rejected. [An hon. MEMBER: The money has been paid.] He begged to refer to the right hon. Gentleman whether he had power to move the rejection of the present Vote.

MR. SPEAKER: The hon. Member can move the rejection of the whole Vote, or its reduction by the omission of any items.

MR. PIGOTT moved that the Vote be reduced by £3,600.

THE CHANCELLOR OF THE EXCHEQUER said, the House was not called upon to vote anything upon this item. It was not a Vote. It was a mere explanatory account of the mode in which money formerly voted by the House had been laid out; but it happened that the account had been presented at the same time with Votes for other purposes prospectively to be met in the course of the current year, and any vote upon the particular payment of which the hon. Member complained would have no more effect than if the House were to oppose a payment made by Mr. Pitt at the time of the Revolutionary war. The payment might be the ground of impeachment,

Mr. Malins

but it could not in any other way be questioned.

MR. MELLOR was surprised at the cowardice of the hon. and learned Member for Wallingford (Mr. Malins) in not voting against the Reform Bill, if he thought it so destructive and revolutionary a measure. The Opposition Members made long speeches night after night, and indulged in the most lavish abuse of the hon. Member for Birmingham, although there had been a time when the Government of Lord Derby existed under his patronage, when private communications were made to him by Cabinet Ministers, and when a former Member of Lord Derby's Cabinet spoke of him in Leicestershire as "that most patriotic and exemplary Member of Parliament, Mr. Bright." It was very hard that the Members on the Ministerial side should be held responsible for the waste of time. Surely, hon. Members opposite were equally responsible, if not rather more so, because they had not the courage to vote against the Reform Bill.

MR. PIGOTT said, he would withdraw his Motion, as no object could be gained, since the money had been paid.

(39.) £17,000, South Kensington Museum,

MR. CONINGHAM declared his determination to put a stop to this profligate expenditure by dividing the House upon the Vote.

Thirty-ninth Resolution read 2^o.

Motion made, and Question put, "That this House doth agree with the Committee in the said Resolution."

The House divided:—Ayes 60; Noes 21: Majority 39.

(40.) £80,117, Public Works (Ireland).

MR. VINCENT SCULLY moved the omission of the item of £2,000 for the model school at Cork, the establishment of which, he contended, was contrary to the wishes of the most influential portion of the community of Cork. There was no necessity for the school; the wants of the inhabitants were amply supplied, and this would only be a rival to the existing schools.

MR. CARDWELL said, he had already fully explained the reasons for proposing this Vote on Saturday last, when it was affirmed by a large majority. The proposal was based on a memorial which had been received from Cork, signed by a very large and influential body, including the Lord Lieutenant and Sheriff of the county and the Protestant Bishop of the diocese.

MR. BUTT said, the Bishop of Cork had objected to the establishment of this school, and he, therefore, thought it impolitic to throw down an apple of discord between the Roman Catholics and Protestants by persisting against such a dissentient in carrying out the project. He therefore most earnestly asked the right hon. Gentleman to refrain from pursuing such a course.

MR. HENNESSY said, he believed the Mayor of Cork, who was a Liberal and a supporter of the Government, had withdrawn his vote in consequence of certain expressions that had been made use of by the hon. and learned Gentleman the Attorney General for Ireland.

MR. DEASY said, the engagement of the Commissioners to erect this model school was made some time ago, in answer to a very numerously signed requisition. No opposition was raised to the plan on that occasion, but he had since heard that it had been strongly objected to, on the ground that it would interfere with existing schools. With all deference, he believed that it would not have that effect; and, the engagement being made, and there being Protestants in Cork who were anxious for the establishment of the school, he saw no reason why they should be deprived of its benefits.

MR. MAGUIRE said, the requisition had been hawked round the city by those interested in the Queen's Colleges. The Irish Members had now nearly all gone home, but, if the question had been raised earlier in the Session, there would have been a very respectable minority against the Government.

MR. BRADY contended that the House ought not to be bound by the engagement of the Commissioners, and this was not a sufficient reason for passing the Vote.

Fortieth Resolution read 2^o.

Amendment proposed, to leave out "£80,117," in order to insert "£78,117,"—instead thereof.

Question put, "That £80,117, stand part of the Resolution."

The House divided:—Ayes 58; Noes 13; Majority 45.

Resolutions agreed to.

EAST INDIA LOAN BILL.

THIRD READING.

Order for Third Reading read.

MR. BUXTON was anxious before the Session closed to ask the Secretary for India

what amount of Native and European force he proposed in future to maintain in India. In the discussions it seemed to be taken for granted—

MR. SPEAKER: The question before the House relates to the East India loan, and the hon. Member's observations must be confined to the subject-matter of the Bill.

MR. BUXTON said, the loan was rendered necessary by the enormous amount of military force which was to be maintained in India.

MR. SPEAKER: The amalgamation of the two armies is provided for by a separate Bill.

MR. BUXTON said, he simply wished to ask what amount of force was to be maintained in India. The Commissioners had recommended a force of 180,000 Natives and 80,000 Europeans, in addition to which there were upwards of 100,000 armed Native police. What could be the reason for maintaining so large a force in time of peace? The Commissioners gave no reason for it, and, sitting in London, they could not be very good judges of what was necessary. The Native force in Bengal was at present 183,000 men, while in April last Sir Patrick Grant was of opinion that 54,000 would be sufficient. Then as to Bombay and Madras, the Commissioners recommended a force of 30,000 Europeans to be kept up, while Lord Canning and other competent authorities thought that 18,000 would be ample. In Bengal the Commissioners recommended that a force of 50,000 Europeans should be maintained; while eighteen out of twenty-seven witnesses were of opinion that a smaller amount, ranging from 20,000 to 45,000, would be sufficient. Not only were the number of witnesses against the Commissioners' recommendation, but also the weight of authority, including the names of Generals Low Browne, Pollock, Ashburnham, Wilson, Jacob, Cotton, and Colonels Wylie, Master, Durand, and Steel, and Sir Charles Trevelyan. The maintenance of so large an European force would necessarily involve immense loss of life from the climate. He wanted to know what were the motives for maintaining an army of 350,000 men in time of peace, constituting an enormous burden upon the finances of India. Against what enemy was that large army required? Experience had shown that the only enemy we had to fear in India was the Native population whom we armed, and yet in defiance

of that experience we were putting arms into the hands of 300,000 Natives.

COLONEL SYKES said, he did not rise to oppose the Bill, very far from it; because he believed that if the present extravagant policy were continued in India the right hon. Gentleman would have to come annually for even larger amounts than he now asked for. The right hon. Gentleman did not appear to contemplate the expenditure he was incurring for European troops in India. By a Return dated April of the present year, now on the table of the House, it appeared that there were then in India 94,829 effective troops of the Line, and 17,376 Europeans of the local army, together 112,205. Admitting that 10,000 had since been sent to China, there remained 102,205 European troops in India, besides 15,000 in depôts at home; while the Estimates of the right hon. Gentleman only covered the expense of 80,000. Instead of 80,000 European troops in India, we had, in fact, 117,000 men to be paid from the revenues of India. The number of European troops recommended by Lord Clyde for the defence of Bengal alone was as follows, his Lordship giving only the number of batteries and regiments, which are necessarily considered of the usual strength, namely:—40 troops or batteries of Artillery of 200 men each, 8,000 men; 17 reserved companies of 100 men each, 1,700; 10 regiments European cavalry of 650 each, 6,500; 43 regiments European infantry of 1,050 each, 45,150, making in all 61,350 men. Now before the mutiny, in April, 1857, there were in Bengal, the North-West Provinces, Oude, and the Punjab, 22,907 European troops, namely:—2 regiments Dragoons, 1310; 15 regiments Royal infantry, 13,956; Local horse Artillery, 999; Local foot Artillery, 1,899; Local European infantry, 3 regiments, 2,460; Native Horse Artillery, 447; and Native foot Artillery, 1,836:—Total, 22,907. That force, with some small assistance from the local force of the other Presidencies, had broken the neck of the rebellion, and yet now, when all India was at our feet, Lord Clyde thought a force of 61,350 men was necessary. Common sense pointed out that such an increase was uncalled for, and he hoped the right hon. Gentleman would exert his authority to prevent such waste of the revenues of India. There was also the cost of passages to be considered. Colonel Tulloch, the supporter and advocate of the amalgamation system, said that the re-

lieving regiments would require 8,000; the relieved coming home, 8,000; recruits, 5,600; invalids, 4,000; recruits to replace invalids, 4,000; in all 29,600 passages to be provided annually, which, taken at Colonel Tulloch's estimate of £12 each, would make £355,200. Let the House contrast that amount with that of 1856 and 1857, when the number of troops required to be sent out and sent home, on the average of the two years, was 5,798 soldiers, instead of 29,600; at an expense of £69,576, instead of £355,200. Then there was the additional expense, which Colonel Tulloch had omitted to calculate, for the passages of wives and children. In 1856 and 1857 the average number was 1,007 out and home at a cost of £12,084. It must be estimated for the future at 5,035, and the cost of the passages £60,420, instead of £12,084. There must also be estimated the difference between the expense of maintaining an army of 80,000 Line, and a force partly local and partly Line, which was stated by the actuary in the Papers upon the table of the House to amount to £448,000. These sums added up would give the expense consequent upon the amalgamation at £888,820, which would annually fall upon the revenues of India, instead of £81,660 when the European troops were partly Line and partly local! With the increased expenditure for the civil and political establishments it was impossible that the revenues of India could meet the drain, and he repeated that if the right hon. Gentleman did not exercise the power he possessed of greatly reducing the expenditure in India he would be under the necessity of coming to the House annually for constantly increasing sums of money.

MR. HADFIELD complained that more than £140,000 should be exacted from the people of India, who did not agree with us in religion, for the maintenance of a religious establishment. Some years ago it used to be urged on the part of the Government that the introduction, or even the talk of Christianity in India, would set the country in a flame. Surely we had enough on our hands, in this country, of ecclesiastical matters, without troubling the Hindoos and Mahometans with an Establishment of any kind. Almost every denomination from this country had representatives in India, who were respected and peacefully dealt with by the inhabitants. What need was there for a Bishop and cathedral, and a whole ecclesiastical staff,

where so many Christian denominations, supported without Government patronage, had their missionaries and their teachers?

MR. DANBY SEYMOUR regretted to find that an erroneous impression had been produced by his speech on a former stage of this Bill. It was quite erroneous to suppose that Sir Charles Trevelyan had been influenced in his opposition to the measures of Mr. Wilson by any feeling of rivalry and hostility to Mr. Wilson. On a re-perusal of the despatches it was perfectly impossible to maintain such an opinion. Nothing could be clearer than that Sir Charles Trevelyan a year ago, and before Mr. Wilson went to India, most fully and fairly declared his opinion that the deficit must be met by a reduction of expenditure, and not by an increase of taxation. He was bound, therefore, to acquit Sir Charles Trevelyan of any personal motive or enmity to Mr. Wilson. He was persuaded that in the line he took Sir Charles Trevelyan had been influenced by patriotic motives and by his experience and observation in India. There was another point to which he wished to advert. The Secretary of State for India had never shown the House why he allowed 400,000 Native troops to be kept up in India. That was a larger number than we had before the mutiny, and the idea was preposterous. This vast army was the source of all our financial embarrassment. The police throughout India ought to be placed on the same economical footing as in Madras. Mr. Wilson stated that the deficit might be reduced to £5,700,000 if the extra military expenditure were cut off; but the right hon. Baronet estimated the deficit at £7,000,000. What was the reason of that discrepancy? He did not think that the right hon. Gentleman allowed sufficient for the Indian balances. He urged the right hon. Gentleman to lose no time in reducing the excessive expenditure of the local Government.

SIR CHARLES WOOD said, that as he had not anticipated a discussion on the military arrangements of India to come on that evening, he was not prepared to state the precise number of troops now in India. He thought the statements which had been made erroneous, because the papers from which they were taken referred to a distant period. His own belief, though of course he could not speak positively from recollection, was, that there were under 90,000 European troops in India. He could not venture to order the reduc-

tion of the number of troops in the face of the opinion of the Governor General and of the authorities in India, who, being on the spot, had the best means of forming a correct judgment, and who had repeatedly and deliberately declared that, under present circumstances, they did not consider India would be safe with less than about 80,000 European soldiers. The calculations of the Indian Government as to expenditure were based on the amount of troops whom they proposed to retain in India. As to the matter of the ecclesiastical establishment in India referred to by the hon. Member for Sheffield (Mr. Hadfield), he had simply filled up such vacancies as occurred. It had always been understood that the means of spiritual instruction should be furnished to the Civil and Military Service of India, and some superintendence was certainly required. As to the observations of the hon. Member for Poole, he was very glad to hear the explanations which his hon. Friend had felt bound to make in reference to the attack which he had made some nights ago on the character of Sir Charles Trevelyan. He hoped the hon. Gentleman would not again make an attack, as he did on the former occasion, wholly unsupported by the Papers on the subject, which he had clearly not even read. His hon. Friend had been anxious to make an attack on him (Sir Charles Wood). In order to make out his case the hon. Member made a most unwarrantable assertion in regard to Sir Charles Trevelyan, which, he was happy to say, he had retracted that evening. On the former evening he had made an ingenious structure of assertions. He said that Sir Charles Trevelyan and Mr. Wilson were rivals in this country, that they carried their rivalry to India, and that Sir Charles Trevelyan was actuated by that feeling in his public conduct. The hon. Member then went on to insist that he (Sir Charles Wood) must have been aware of this, and ought to have written minute after minute to put a stop to this rivalry, and asserted that he had not done so, and went on to say that if, instead of doing so, he had written private letters, to the same effect, it only made matters worse. Now, the hon. Member must have been perfectly ignorant of these things; he could not have known what minutes or what private letters were written. This sort of hypothetical imputation, however, signified very little, but the whole attack was based on that assertion with regard to Sir Charles Trevelyan, which was utterly unjustifiable.

He, Sir Charles Wood, had thought it better at the time to allow it to pass unnoticed. His hon. Friend, with great credit to himself, had to-day retracted the imputation. Having read the papers, his hon. Friend had now shown most distinctly that the imputation that Sir Charles Trevelyan was actuated by a feeling of rivalry to Mr. Wilson was totally unfounded. His hon. Friend might have known that before he made the attack, if he had taken the trouble to read the Papers; and he did accuse his hon. Friend of having utterly disregarded the character of a public man, in order to found upon it a very puny attack upon himself. He (Sir Charles Wood) stated at the time that the measures proposed by Mr. Wilson were measures introduced long before by the Government of India, and that Sir Charles Trevelyan expressed his opinion upon them before Mr. Wilson arrived in India. He was glad to find that his hon. Friend had discovered that what he had then stated was true; but, if his hon. Friend had taken the trouble to read the Papers before he made the assertion, he would have discovered that fact before he made an accusation which was very painful to Sir Charles Trevelyan. He entirely believed, as his hon. Friend admitted now, that Sir Charles Trevelyan was actuated by no such motives. Sir Charles Trevelyan might have been imprudent in the course which he pursued, but he was convinced that that gentleman was prepared to sacrifice himself and his own position for what he believed to be necessary and advisable for India. His hon. Friend had, in another instance, shown that he had not read the Papers, or he would not have repeated the statement that he (Sir Charles Wood) had never enjoined economy in India. The letters in the Papers before the House were not the only financial letters addressed to India. They were only such as related to the recall of Sir Charles Trevelyan, but even in them there were two at least distinctly pressing economy on the Government of India. On the 10th of May he wrote to the Governor General in Council:—

"I shall be glad to think that, if possible, within a short period you will be able to reduce the expenditure within the present income, and I cannot refrain from again urging upon you the necessity of making every effort to effect a reduction of expense."

On the 9th of June he again wrote:—

"In my despatch dated the 10th of May last, I
Sir Charles Wood

repeated the injunction of Her Majesty's Government to reduce the expenditure in India—especially that in the military department—to the lowest point consistent with efficiency and safety; and adverted to the importance of imposing on the people no further burdens than the financial condition of the State rendered absolutely necessary."

He did not know what stronger expressions he could have used to show that reduction of expenditure was never absent from his thoughts; and he did not believe that a mail left without letters to the Governor General and Mr. Wilson urging on them the necessity of strict economy in the expenditure of India. The hon. Gentleman said that nothing had been done in the way of police. His hon. Friend made that assertion in utter ignorance of what had been done. That subject had formed the substance of three or four despatches to India. Sir John Lawrence differed from Sir Charles Trevelyan as to the description of force, but Sir John Lawrence had established a most efficient body of police in the Punjab. Detailed information and suggestions had been sent out, and the Government of India had been left to decide in what shape the police should be established. The hon. Gentleman had affirmed what was utterly groundless—that he had not taken into account the possible reduction of £800,000 referred to in one of Mr. Wilson's Minutes. After that reduction was made the deficit was left, as he stated it, at £7,400,000. The first estimate of military reduction for the year 1860-61, was £1,700,000. By the addition of £800,000 it was brought to £2,500,000. Mr. Wilson stated in one of the last Minutes, and he (Sir Charles Wood) had stated on introducing the Budget, that the military reductions last year were £3,500,000, and this year £2,500,000, making together for the two years the sum of £6,000,000. When Mr. Wilson made the speech to which the hon. Gentleman had referred, stating the probable deficit at £6,500,000, he was not in possession of the information as to a considerable increase of the home expenditure. The information was sent from home. Mr. Wilson then framed his final calculations, which were shown in the figures in the papers before them—and these papers showed that the £7,400,000 deficit were, in point of fact, the figures of Mr. Wilson. He was sorry to say that he did not state the worst with regard to the state of affairs in 1860-61, because he referred to the year 1856-57 as presenting a balance of income and expenditure, but he

found on further investigation that in that year there was a deficit of £400,000, owing to the guaranteed interest on railways. The deficit, therefore, in 1860-61, would be rather larger than he stated. The hon. Gentleman asked why he did not utilize the balances. Now, he did utilize the balances, for he paid the whole deficit of the year out of the balances; and he did not see what more could possibly be done with them. The loan was not for the purpose of defraying any portion of the Indian charges, but simply to provide against the contingency of the railway companies not paying in all the money required for railway expenditure during the year. If the railroads paid in the money they were engaged to pay in the course of the year, he should not borrow any money. He hoped that the explanations which he had given would be satisfactory, and he was glad his hon. Friend had made the *amende honorable* to Sir Charles Trevelyan.

Mr. DANBY SEYMOUR disclaimed having mentioned Sir Charles Trevelyan in order to make an attack on the right hon. Gentleman. He had no intention of making any attack. It would give him far greater pleasure to agree with than to differ from the right hon. Baronet.

Bill read 3^d and *passed*.

PARTY EMBLEMS (IRELAND) BILL. COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Exhibition of Banners, &c., calculated to provoke Animosity, to be a Misdemeanour).

Mr. CARDWELL said, he proposed to substitute for the clause as it stood the following clause, and then he thought the objections raised would be removed. He would move that Clause one be struck out:—

Amendment proposed,

‘shall’ to the end of the Clause, in order to add the words ‘willfully do any of the acts herein-after mentioned in such a manner as may be calculated or tend to provoke animosity between different classes of Her Majesty’s subjects, and lead to a breach of the public peace, shall be guilty of a misdemeanour; that is to say, the publicly exhibiting or displaying upon any building or place, or the wilfully permitting or suffering to be publicly exhibited or displayed upon any building or place, any banner, flag, or party emblem or symbol, or the publicly meeting and parading with other persons, or the playing of any music, or discharging any cannon or firearm in any public street, road, or place.’

Mr. BUTT said, he was of opinion that the new clause, as a whole, was a great improvement upon the one in the Bill, but he objected to the word “tend,” as being very vague and unmeaning, and therefore he should, at the proper moment, move the omission of the words, “or tend to.”

Mr. DEASY said, the word was in the old Act, and he thought they could not do better than follow the precedent which they had before them.

Mr. HENNESSY did not see much difference in the words proposed and the words to be left out. The playing of music in public places was to be made a misdemeanour, if it were played in such a manner as might provoke animosity. What did the words mean? He should like to know whether there was any English statute in force with such words. He believed that no such disgraceful Act could be found in the books, and therefore could not, as an Irishman, agree to the passing of this Bill for Ireland. The Bill was badly and vaguely drawn, and it contained expressions of the loosest kind. Who was to determine what the meaning of these words was? The word “Emblems,” for instance, might be construed to mean the crosses affixed to Roman Catholic chapels. He thought tranquillity would not be greatly promoted in Ireland by putting down such “emblems.”

Mr. VANCE agreed that the whole clause was highly objectionable, and especially that part of it which made the discharging of cannon and firearms a misdemeanour. That part of the clause was directed against the celebration of the siege of Derry. That siege lasted 105 days, and the number of original defenders of 7,000 were reduced by famine and disease to 3,000 before the siege was over. The late Lord Macaulay had expressed, in most graphic terms in his History, the result of that siege, and he hoped that the celebration of it would be always kept up. He had received a letter from a gentleman of high position in Derry, and he stated that there were no party displays or emblems used—only a red flag and a Union jack. The Bells did not ring party tunes, and if the clause were agreed to the people of Derry would feel themselves insulted, for the celebration of this siege would have to be brought to a close.

Mr. VINCENT SCULLY proposed that the original clause should be negatived before the discussion upon the new proviso was proceeded with.

Question, "That the words proposed to be left out stand part of the Clause, put and *negatived*."

Question proposed, "That the proposed words be there added."

THE ATTORNEY GENERAL, in answer to the observation of the hon. and learned Member for the King's County (Mr. Hennessy) said, that the clause was directed against "party emblems," and that there was not the least ground for supposing that crosses upon Roman Catholic chapels could come within any possible construction of the clause.

MR. M'MAHON said, it was quite plain that this Bill carried out and gave good effect to the Party Processions Act, which had been always approved of. He was surprised that the leader of the Catholic party in that House, the hon. and learned Member for Dundalk (Sir George Bowyer) should give such a construction to this clause as to make it apply to the cross on a Roman Catholic place of worship. The Catholics of the north were constantly exposed to the insults of the apprentice boys of Derry, who set at defiance the orders of their own Bishop when those orders were opposed to party displays. He hoped that this Bill would pass into a law, for he thought it essential to the preservation of peace in the North of Ireland.

MR. EDWIN JAMES objected to the words "as may be calculated or tend to provoke animosity." Those words, he understood, were taken from the Party Processions Act. He wished to ask the Attorney General for Ireland whether any convictions had taken place or could take place under such language. There was no such language in any English Act. A crime depended upon the intent with which it was committed. Who was to judge of "such a manner as may be calculated or tend to provoke animosity?" Any person seeing a flag on the top of a church might say it was calculated or tended to provoke animosity in his mind. Nothing could be more dangerous or absurd. The offence was in the intention of the party exhibiting the flag. He therefore proposed, in lieu of the words he had quoted, to insert,— "With the intention of provoking animosity."

MR. DEASY said, there had been numerous convictions under the Party Processions Act. At the late assizes two sets of persons—one Protestant and the other Roman Catholic—were convicted before Mr. Justice FitzGerald at Belfast under

the words "calculated or tend to provoke animosity," and sentenced to a long imprisonment, and their conviction had produced a very beneficial effect in the North of Ireland. The Party Processions Act was made perpetual with the assent of all parties, and wherever it had been enforced it had been productive of the best results.

MR. BUTT had proposed to introduce the word "knowingly" into the clause, so that the provision should be that the Act was committed in a manner calculated "knowingly" to provoke animosity.

MR. AYRTON asked why this Bill was not expressly limited to Ireland, in the same manner as the Party Processions Act? In that Act the first clause stated distinctly that it only applied to Ireland; but the principle of this Bill was enacted in the first three clauses for the whole of the United Kingdom, and it was only by the 4th clause that England and Scotland were excepted from it.

MR. MALINS repeated the opinion he had expressed on a former occasion, that if such a Bill were passed for England he should feel a degraded man, and he would, therefore, move the insertion of the words "in Ireland" in the first clause, which would make it perfectly clear that it was only in Ireland that such acts as these were penal.

Amendment proposed to the proposed Amendment, before the word "wilfully," to insert the words "in Ireland."

COLONEL DUNNE said, he should oppose the Amendment. If such a Bill as this were to pass for Ireland there was no reason why it should not pass for England and Scotland also. Such Bills as this only showed how imbecile the Irish Government was, and how useless it was to carry the common law into execution. Mr. Justice FitzGerald on a recent occasion had stated that the common law was sufficient. He disapproved these party celebrations as much as any one could; but such Acts as these would do more to perpetuate them than anything else. The good feelings of the gentry and a strong Government determined to carry the common law into effect would soon put down such breaches of the peace; but Bills of this sort were of no use but to display the weakness of the Government. The Secretary for Ireland said he could not govern the country without such a Bill, and perhaps he and the Government which he represented could not, but last year the country was governed without any such Bill, and there were no riots.

MR. VINCENT SCULLY concurred in the sentiments just expressed by the hon. and gallant Member for Portarlington (Colonel Dunne). He (Mr. Scully) had voted against the Bill as a Coercion Bill, and because he thought it went far beyond common law, justice, and reason. He opposed the introduction of the words "in Ireland," believing that what was sauce for Ireland's goose was also sauce for England's gander. He should prefer a bad law in common with England, to a good law that was peculiar to Ireland, because he knew that the former would very soon be remedied. He believed that the common law of the land was sufficient to meet all such cases as were apprehended. He did not think this enforcement of the common law by Act of Parliament necessary if the Executive Government only did their duty. He should support the clause as it stood.

MR. McMAHON contended that the Government ought to extend the laws of England to Ireland generally. At present Ireland had not the benefit of the laws of England, but was governed by a series of by-laws passed by the Lord Lieutenant and the Irish Secretary. It would be of the greatest benefit if they swept away every statute relating to Ireland from the statute-book, and introduced generally the laws of England, and in addition abolished the Lord Lieutenancy, the Chief Secretaryship, and the Irish Attorney Generalship, and other special contrivances for keeping up a separate system of law for Ireland. He would treat Ireland, in fact, as an English county, and thought there was no necessity for inserting Ireland in the clause.

MR. CARDWELL saw no objection to the insertion of those words if his hon. and learned Friend thought them desirable. He cordially agreed with all that had been said as to the desirability of having uniform legislation for England and Ireland; but a local mischief must be met by a local enactment. In Ireland every year they were compelled to move a large force of infantry and constabulary on account of apprehensions of a breach of the peace; and the first sign of disturbance was a display of flags from the steeples and the playing of party tunes on drums and fifes. The Party Processions Act was allowed to expire in 1845, but so much was its want felt that in the year 1850 that House unanimously re-enacted it and made it perpetual. It had now been

found that that Act was defective in two or three particulars, and, at the request of Gentlemen on both sides of the House, this Bill had been brought in by the Government, and had received the unanimous assent of the House of Lords. He could understand a proposal to repeal the Party Processions Act altogether, but he did not understand how it could be objected to remedy its admitted defects. It had been said that these evils might be put down by moral influence. He had shown how moral influence failed between 1845 and 1850. In the year 1857 the Lord Lieutenant of Ireland and the Primate endeavoured by moral influence to avoid the occurrence of these disturbances, but without success; and he understood that before the recent riots the hon. Baronet, who was one of the first to ask the Government to introduce this Bill, exerted his influence in the north of Ireland to prevent the occurrence of any outrages. It therefore appeared that moral influence was not sufficient, and he spoke with knowledge when he said that many bishops and clergymen in Ireland would regard this Bill as a protection to them, and an earnest of future peace in Ireland.

MR. HENLEY said, that by his speeches, but still more by his acts, the right hon. Gentleman had placed the House in a difficulty with regard to this measure. When the Bill came down from the Lords it unquestionably did supplement the Party Processions Act; it created several new substantive offences which were clear and intelligible, and applied a remedy to an acknowledged difficulty and grievance. The right hon. Gentleman had swept away all that, and had introduced a clause which said that any person who did any act calculated to lead to a breach of the peace should be guilty of a misdemeanour. That was already the common law of Ireland, as well as of England, and therefore this enactment was surplusage. Not only, however, was it surplusage, but it tended, in a most material degree, to do that which of all things was most mischievous—to weaken the common law of the land, and, without strengthening the hands of the Government, to excite animosity in the minds of persons who might think that this legislation was directed against them. There was an elasticity about the common law which enabled it, in various ways, to catch persons whom the statute law would never reach; because, no sooner had they passed an Act of Parliament than people would, to use Mr. O'Connell's phrase, "drive a

coach and six through it," and laugh at them. The clause, as it came from the Lords, was sharp and severe to an extent beyond the common law; but the clause now proposed went not a hair's breadth further than the common law went already. He wished to ask the Attorney General for Ireland a question relative to the act of any persons who, for any purpose whatever, should march along a public road carrying a large cross before them. If that were to be regarded by the law as a "party procession" or a "party emblem" in Ireland—and he thanked God they were troubled with no such questions in England—it would be a most unfortunate construction of a statute. He should grieve to hear that there was any ground for supposing that that emblem which all Christians respected and revered would come within the legal interpretation of "party emblem."

MR. DEASY said, that nothing could be more contrary to the wishes of the Government and, he was sure, of the House also, than that any such construction should be put upon these words as would lead to the consequences which the right hon. Member for Oxford then had indicated. But he could not conceive it possible that anybody could so construe the words "party emblem or symbol" as to make them applicable to the case supposed. By the Emancipation Act all religious processions outside the walls of places of worship were rendered illegal.

MR. HENLEY said, his question did not refer to a religious procession, but to one before which a cross was borne.

MR. DEASY: That, he apprehended, might be, or would be, a religious procession. He must say that this clause did go beyond the common law, otherwise he would not have asked the Committee to assent to it. As had been clearly and distinctly explained by the hon. and learned Member for Marylebone (Mr. E. James), any person who did an act with an intent to provoke a breach of the peace, was guilty of a misdemeanour at common law. This Bill, however, went further than that, because it applied to acts calculated to excite animosity and thus to provoke a breach of the peace, irrespective of the particular intention of the person who did them. So, also, by the Party Processions Act, an offence was constituted without reference to the intent of the parties. Consequently, the allegation in the indictment was that the persons accused did the act in a manner calculated to provoke animosities be-

tween different classes of Her Majesty's subjects.

COLONEL DUNNE said, the intention was the essence of all crime, and a contrary principle might do for Turkey, but ought not to be tolerated in a civilized country. According to the doctrine of the Attorney General for Ireland, a man for putting his hat on one side, biting his thumb, waving his hand, or whistling a tune, without any intention of affronting another, might be prosecuted for an offence. That was going beyond any penal law that they had ever yet heard of.

MR. EDWIN JAMES had never heard so much bad constitutional law as during that discussion. The Solicitor General for England the other evening said that this Bill was declaratory of the common law. He was much surprised at that statement, but had not then an opportunity of replying to it. On the other hand, the Attorney General for Ireland told them that night—and told them truly—that the Bill went far beyond the common law; but that right hon. Gentleman had not yet distinctly explained the purport of the measure. They all thoroughly understood the Party Processions Act. If a man joined in such a procession tending to provoke a breach of the peace, he must be held responsible for his own act and that of his associates. But the sole object of the present Bill was to create an individual offence. Both the Attorney General for Ireland and the Secretary for Ireland had spoken on this subject with a vehemence almost "calculated to provoke animosity." The question had not yet been calmly and rationally discussed. This measure was all the more dangerous because it went beyond the common law. They ought to take care that they did not enact for Ireland a Bill violating the principle of the common law, and unaccompanied by proper safeguards. He was astonished to find several Gentlemen who represented Roman Catholic constituencies, and who had always resisted coercion Bills, now strongly supporting a measure that would be established as a precedent from which they would themselves perhaps be the first to suffer. This legislation was pointed against the act of any individual who might hang a flag from the window of his house during an election. Such a person would be liable to prosecution for a misdemeanour if somebody alleged that his act was calculated to excite animosity. Now this was a principle that had never yet been imported into

Mr. Henley

the criminal law. It must be shown that the man intended by the act he did to commit the offence charged; and he would not consent to pass for Ireland an enactment that was unconstitutional and unjust here. He put it to the Attorney General whether by the law of England a man could be convicted constructively, and whether the jury must not be satisfied of the intention of a party to commit the offence charged? This Bill would form a most dangerous precedent, and they ought not to extend to Ireland a law they would not think of applying in this country.

THE ATTORNEY GENERAL admitted that the law of England had been rightly expounded by his hon. and learned Friend the Member for Marylebone. It was expressed in the well-known axiom *hanc reus est nisi mens sit rea*. Intention was the substance of every criminal offence. Now, there existed in Ireland a state of society in which, unfortunately, certain external acts have been proved by long experience to be the sure causes of results involving a breach of the public peace. No Gentleman connected with Ireland would venture to deny that there were acts in that country which when done, inasmuch as they were known to be attended by certain consequences, could not be done without a knowledge that they would lead to those consequences; and if they were committed with a knowledge that they would lead to such results, they were done with a criminal intention. In certain parts of Ireland the exhibition of an Orange flag on a certain day was sure to be attended with certain consequences. The playing of a particular tune, which for 100 years had been the symbol of strife in a particular locality, was known to lead to a disturbance of the public peace; and therefore the criminal intention was apparent. The Bill as it came down from the Lords pronounced a thing criminal because it was calculated to produce animosity, which might be a mere feeling of the mind, without being attended by any overt act; he therefore thought it desirable to provide that what was prohibited must be an act not only tending to create a feeling of animosity, but such a feeling of animosity as would lead to a breach of the peace. He thought a clause so worded, whilst laying down a rule which the state of Ireland positively required, would be in perfect conformity with the spirit of our criminal law as administered both in this country and in Ireland. These party ex-

hibitions did not lead to breaches of the peace in England and Scotland; and therefore it was not necessary that this measure should be extended to those countries.

Mr. BUTT said, the speech of the hon. and learned Gentleman who had just sat down was very different from that of the right hon. Gentleman the Attorney General for Ireland. He (Mr. Butt) could not conceive anything more dangerous than to withdraw the question of intention from the cognizance of the jury. If the act naturally led to a breach of the peace it was punishable by the existing law, but it was for the jury to decide whether or not it had that tendency. The Question now before the House was whether the measure should only apply to Ireland. It was said that no such practices took place in England. But he remembered the riots in Liverpool and at Stockport; and he recollected a Chief Justice trampling upon a Cardinal's hat. [An Hon. Member: That was only in a figure of speech.] He was glad to hear that; but he warned Roman Catholic Members that the measure might be used against them. There was no election in the south where it would not apply, and, in fact, it was a measure to put down the expression of public opinion in Ireland.

Mr. BERNAL OSBORNE said, he wondered how so many Irish Members could rise to address the House, and indulge in mere hair-splitting while the lives of their poor Roman Catholic fellow-countrymen in the North of Ireland were at stake; for the real question at issue was, whether the members of that persuasion were, every 12th of July, to be exposed to be shot at like dogs or not, by persons calling themselves Protestants. The hon. and learned Gentleman opposite (Mr. Malins) had told the Committee that he would feel degraded if such a clause as that under consideration were applied to England. It was all very well for the hon. and learned Gentleman, who was, in all probability, much better acquainted with the tranquil neighbourhood of Wallingford, where there were no party processions except those which accompanied him to the hustings, than with the North of Ireland, to make such a statement. If, however, the hon. and learned Gentleman knew Ireland sufficiently well, he would be aware that so surely as the 12th of July came round, breaches of the peace were committed in that country which the common law was totally unable to restrain, and which it never had succeeded in preventing. He

was not, of course, speaking of Ireland generally—to which he denied that there was any necessity that the Bill should be made applicable—but of the northern portion of it, and he should therefore suggest that for the words “in Ireland,” the words “in Ulster” should be substituted, thus confining the operation of the measure to that province in which alone it was needed. To trust to the moral feeling of the better classes there, as had been suggested, to put an end to the party strifes by which it was disgraced, was, he contended, idle, inasmuch as those occurrences were but too often countenanced by those very classes themselves. No one who had not been in that part of the country, as he had been, could be aware how like infuriated animals, men became on such occasions as those to which he was alluding, when no person’s life was safe if he attempted to show his face out of doors, or presumed to interfere with the processions. The hon. and learned Member for Marylebone seemed to think that the Attorney General and the Secretary for Ireland had displayed great vehemence in speaking on the subject; but he must say that the vehemence appeared to be rather on the side of the hon. and learned Gentleman himself, who, no doubt, thought he had got hold of a good thing when he fixed on a clause dealing with party songs and tunes. Now he would ask the hon. and learned Gentleman, who he knew had an ear for music, whether he had ever heard of a tune called “Croppies, lie down?” [Mr. JAMES intimated that he knew the tune.] But the hon. and learned Gentleman was not, perhaps, aware that when played in the North of Ireland, it was but too frequently accompanied by bloodshed. He was annoyed, therefore, to hear hon. Members from Ireland of constitutional leanings splitting hairs about a clause, the rejection of which, through their exertions, would tend to place the peace of Ireland and the lives of Roman Catholics in Ulster in a position of periodical peril. The Roman Catholic Members who did not give their support to the Bill would, in his opinion, be guilty of a grave dereliction of duty, inasmuch as they would thereby be deserting the cause of their co-religionists, who were already but too much oppressed by a rampant party in the North of Ireland. It was very likely that the clause that came down from the Lords was the best, inasmuch as it enacted that specific propositions were crimes; but he had every confidence that the law officers of the

Crown in Ireland had no inclination to strain the law, and he should not, therefore, oppose the clause now proposed.

CAPTAIN ARCHDALL said, that to those who knew nothing of the North of Ireland, the language which the hon. Gentleman, who had just spoken, had used with respect to it, might appear to be merited; but that in the case of those who were acquainted with that part of the United Kingdom, the accusations they had just heard against the gentry there were absurd. The audacity of the language was lost in the absurdity of the charges which it conveyed. The speeches which had been made by the legal Members of the House, by whom the hon. Gentleman had been preceded, ought, he thought, to prove to the Government that they were running a most dangerous course in endeavouring to pass into a law the measure under consideration; so far from removing occasions of religious animosity, it was a measure which he firmly believed would do more to perpetuate the animosities which it was intended to extinguish, than any number of flags hung on church spires every day in the year could effect. It had not been attempted to be shown that the existing law had failed, or that a single riot had been caused by the display of party flags on a church steeple. The Government sought, by means of the Bill, to put an end to the exhibition of party symbols; but were they, he should like to know, aware that the cross was regarded, to a certain degree, by many Protestants in Ireland as a party symbol [“No, no!”] and the sign of an idolatrous worship? [Mr. OSBORNE: It must be in Ulster.] Now, if the present Bill were passed, it would be looked upon by the Roman Catholics of Ireland in the light of a triumph, notwithstanding the honourable opposition which had been made to it by some Roman Catholic Members, on the ground that it was a measure at once tyrannical and unconstitutional. The Government, in short, asked the House, in calling upon it to assent to such a Bill, to legislate not so much for the protection of life and property, as for the purpose of shielding Roman Catholics from that which some of them might be disposed to look upon as an insult; and if Parliament were to proceed in that course of legislation, where, he should like to know, was the line to be drawn? Who could say what might not be considered an insult? Why, the next thing of which the Roman Catholics would demand the prohibition, upon

the plea that it was an insult to them, would be the attendance of Protestants at church—thus going on from grievance to grievance, until at length they would de-claim against the very existence of a Protestant Church in Ireland. But if concessions were to be made to one party in that country, similar concessions could not, in all fairness, be refused to another; and an appeal might be made to the Government to restrain the language used by Judges of Assize, or to put an end to the officious interference of a *quasi*-Protestant Bishop, who attempted illegally to prevent the commemoration of the defence of Londonderry, one of the most heroic exploits on record. In making those observations, he must not be deemed to be an advocate of the exhibition of party symbols on the churches in Ireland. Such displays were no more necessary to the existence of the Orange Society, than was a gilt frame to the beauty of a Claude Lorraine; but he must, at the same time, protest against the course which the Government were pursuing in dealing with the subject. Before he sat down, he wished to add, in correction of a statement which he had made a few days ago, to the effect that all the officials of the Crown in the County of Fermanagh were Roman Catholics, that he had since ascertained that Mr. Brady, the Clerk of the Crown for the county, was not a member of that persuasion.

VISCOUNT PALMERSTON : I hope the House will not be led into a discussion such as that which the speech of the hon. and gallant Gentleman who has just spoken is so well “calculated to provoke.” Hon. Members not well acquainted with Ireland may, I think, easily perceive from the language which this subject has induced the hon. and gallant Gentleman to use, how it is that party symbols may produce in Ireland animosities and excitements of mind which it is extremely desirable to prevent. I may, in reply to the observations of the hon. and gallant Gentleman, be permitted to say that the Bill under our notice has not been framed with the view to give a triumph to Roman Catholics or to the members of any other persuasion, but simply for the purpose of putting an end to physical contests frequently resulting in loss of life on all sides. It is, however, contended that we ought not apply to Ireland a law, the operation of which we are not prepared to extend to England. Now, that proposition may as a general maxim be very sound; but if experience tells us that there exists

a state of social antagonism in certain parts of Ireland which does not prevail in England, and that that condition of things leads in the former country to events the occurrence of which we must all deplore, surely there is no reason in saying that we ought not to apply to the one country legislation which the circumstances in which it is placed call for, because we do not, at the same time, legislate in a similar way for the other, in which no such legislation is needed. If the same state of things existed in England, we should be equally ready to apply a similar remedy. But it is because, unfortunately, there continue to be in Ireland the remnants of ancient disputes and antagonisms that, for the purpose of preventing the annual recurrence of these lamentable scenes, we propose to the House to apply to that country legislation which is exceptional because the causes that produce it are exceptional. I should hope that hon. Gentlemen will not continue the controversial discussion which the speech of the hon. and gallant Member who has just sat down is calculated to give rise to, but all will agree to remedy an evil which is known to exist. That speech had reference to a discussion that took place about a month ago, in which it was stated that Orange flags had been displayed from towers and the steeples of churches for ten days together, and that this display had produced the disputes and conflicts out of which grew the offences for which persons in great numbers are now under trial or condemnation. I should hope hon. Members will not put the question on the ground of giving a triumph to one side or the other, of setting Catholic against Orangeman, or Orangeman against Catholic; but will see that here unfortunately are dissensions which we all deeply deplore, and that this Bill is calculated to prevent those dissensions from coming to a head and from eventuating in the loss of life.

MR. LEFROY, while wishing to view the question in the light in which it had been put by the noble Lord, differed from him in opinion as to the probable results of the Bill. He did not believe that the exceptional legislation proposed would be attended with the desired effect. Party riots unquestionably took place in the North of Ireland, and blood was sometimes spilt; but the House would entertain a very false impression with regard to the province of Ulster if it received as accurate the description boldly ventured by the hon. Member for Liskeard (Mr. Osborne), or fancied

that the Roman Catholics were so utterly helpless, and so cruelly slaughtered by the Protestants, as had been represented. The intention of the Bill might be laudable, but its tone was offensive. He suggested that its operation should be restricted to forbidding the display of flags and party emblems.

MR. MAGUIRE said, as a Roman Catholic, he sought no triumph in the promotion and success of this Bill, but he thought he should be deserting his duty to his co-religionists in the North of Ireland, and to those who desired to promote the peace of that part of the country, if he did not support it. The Catholic people of Ireland were tolerant; they desired to live in friendship, in peace, and in harmony, with their Protestant countrymen. But suppose the Government did not persevere in passing this measure, to whom would they give the triumph? Was it to the rational and sensible Protestants of the North? No: he ventured to say that they would give them pain and regret. Would they give a triumph to the Bishop of Derry? No, he felt they would give him pain; but they would give a triumph to those men who believed themselves a superior class to their fellow-countrymen. An hon. Member said "let the Catholics take care lest the cross be construed to be a party emblem." But almost every church built in this country, whether Protestant or Catholic, had the emblem of our common redemption upon it. It was completely absurd for Gentlemen to put forward such a miserable and flimsy pretence. The Government were told they could not remove animosity by legislation; but they could remove a cause of animosity, and a constant provocation to riot and outrage. Hon. Gentlemen rose and said, "Oh, leave it to moral influence." But was that a triumph of moral influence that there were two wretched men almost breathing their last at this moment;—that one of them was paralysed from the hips down, and that it was only by the extraordinary skill of his medical attendant that the remnant of life was still kept in him? Was it a fact that there were these insulting drummings and fifings in Cookestown? Was it a fact that the Orangemen threatened to go there again, and that the Roman Catholics had determined to meet them and have a fight? Was it a fact that the stained-glass window in the chapel at Cookestown was smashed? that another chapel, ten miles off, had been burst into, and the altar smashed? These things happened throughout the month of July;

and, when the month of July came round again, the same things would happen, the same provocation would be given to outrage and bloodshed. Six weeks ago he (Mr. Maguire) had asked the Government to introduce some such measure as this, and he was not now going to degrade himself by opposing it. Those people seemed at a particular time to go mad like the dogs. When they found such things existing in one part of Ireland, ought they not to put it down? If such things happened in Tipperary or Cork, they would have Protestant Gentlemen from the North of Ireland coming down asking to have them put down. Why should those old triumphs be commemorated in this insulting manner? Let it be remembered that the Catholics had suffered enough for their loyalty to an English monarch—they fought for Charles and James, were defeated, and what had happened? They had had 100 or 150 years of penal laws. Was not that enough? It was time that the odious memory of those triumphs and persecutions should be allowed to die out. They took credit to themselves for not insulting the people of France by commemorating the triumph of Waterloo. Well, let the Orangemen imitate that example in their conduct towards their Catholic fellow-countrymen. If on the anniversary of Aughrim or the Boyne they hung out flags, must not animosity be excited among the Catholics who saw them? He asserted that the man would have the spirit of a slave or a craven if he was not ready to resent this outrage. He confessed he, for one, if a man offered him so gross an insult, would be ready to show his resentment in a manner which might make him remember it all the days of his life. He hoped the Government would strengthen their hands by this Bill.

SIR EDWARD GROGAN said, it was clear, from the speech of the hon. Member for Dungarvan, that the Catholics in the north of Ireland would view the passing of this measure as a triumph. He opposed the Bill because he believed that it would not produce the results at which the Government aimed. It seemed that the memories which the flags inspired, and not the sight of the flags themselves, were offensive; but could this Bill possibly blot out such recollections as the siege of Derry, the battle of the Boyne, and Aughrim? For his own part he would rather that these flags should not be exhibited; but the attempt to impose on the Irish Protestants laws which the Government

would not venture to impose in England would lead to nothing but misfortunes, irritating the people, and promoting them to resistance rather than prompting peace and good will among them. Altogether he regarded it as the most unfortunate measure for the interests of Ireland which had been introduced since he had sat in Parliament.

MR. MALINS said, that as the hon. Member for Youghal intended to move that the Bill be extended to England, he (Mr. Malins) would persist in the Motion to introduce the word Ireland.

MR. WHALLEY was at a loss to understand why the Roman Catholics should consider themselves insulted by the emblems at Derry and elsewhere, commemorative of 1688, unless they did at this day, equally with those of the same religious opinions at that period, regard those events with hostility. If so, what did the Government mean by bringing in a Bill to protect them from such so-called insults? When Guy Fawkes was exhibited in the street no Roman Catholic could reasonably regard himself as insulted, unless he sympathised with that historical personage. As to the religious views of the Roman Catholics, he entertained no hostility or apprehension. They were in every respect as much entitled to their opinions as he was to his; but to their political opinions and sympathies, as thus exposed to view in reference to 1688, he and every man who regarded that event as the settlement of our present constitution in Church and State was bound to protest; and if the Catholics of the present day so far sympathised with those of 1688 as to be insulted by allusion thereto, what further evidence was required than that they were not yet reconciled to the constitution in Church and State as then established? and what claim did this give them upon the Government to introduce a Bill nominally to consult their feelings and prevent outrage, but really to give a triumph to the principles which were repudiated by this country in 1688? This, coupled with other events daily passing around, and with the conduct of the Government in the present Session in reference to Roman Catholic questions, demanded, and he trusted would receive, the serious attention, if not of this House, of the country.

Question put, "That those words be there inserted."

The Committee *divided*: Ayes 71; Noes 21: Majority 50.

Further Amendments to the Clause *moved, and negatived.*

Question put, "That Clause 1, as amended, stand part of the Bill."

The Committee *divided*: Ayes 59; Noes 32: Majority 27.

Clause *agreed to.*

Clauses 2 and 3 *agreed to.*

MR. BUTT then proposed a clause limiting the operation of the Act to a period of two years.

MR. DEASY agreed that the Act should not be made permanent, but suggested that it should remain in force for five instead of two years.

MR. BUTT agreed to this suggestion.

MR. CONINGHAM thought the Bill entirely unnecessary, and objected to it on the ground that it was exceptional legislation; he therefore intended to oppose it through all its stages.

MR. VINCENT SCULLY was in favour of the Attorney General's suggestion, which was agreed to.

Remaining Clauses *agreed to.*

House *resumed.*

Bill reported, with Amendments; as amended, to be considered *To-morrow.*

LOCAL GOVERNMENT ACT (1858)

AMENDMENT (No. 2) BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

MR. HENLEY said, the mode in which highway rating was provided for in this Bill would render its operation unequal and unjust. He wished to introduce a clause to obviate this objection, and therefore suggested that the Bill should not be passed through Committee to-night, but that the Chairman should only report progress, and he would introduce the clause to-morrow.

SIR GEORGE LEWIS acceded to the suggestion that progress should be reported at the end of the proceedings, in order to see whether the clause could be added in Committee on a future day.

Clauses 1 to 11 *agreed to.*

Clause 12 (For Relief of Occupiers of Coal Mines, &c., from Proportion of Rates).

MR. H. A. BRUCE objected to the clause altogether. It was no part of the Government Bill, and was forced upon the Government at two o'clock in the morning, when Members had left the House, be-

lieving that there was nothing objectionable in the Bill. The clause proposed to afford a relief to the occupiers of coal mines from a proportion of the rates; but exemptions were already carried far enough, and he did not wish to see them carried further. In his borough the effect of the clause would be to reduce the rateable property from £108,000 to £69,000.

COLONEL LINDSAY objected to the clause principally on account of the manner in which it had been introduced into the Bill. If coal mines were to be exempted, that question should be brought forward distinctly, and fairly discussed on its merits. This clause, however, was introduced at a late or rather early hour in the morning, and without notice. He should support his hon. Friend in resisting the clause.

SIR GEORGE LEWIS said, it was quite true that the Bill, as originally introduced, did not contain this clause. It was brought forward in Committee without notice, and that was always an inconvenient mode of proceeding in cases where the burden of taxation was altered. He, and the promoter of the Bill, opposed the clause, but received very little support from the House. The clause was modified in the other House; and as the Bill was a Money Bill, it was, when so altered, rejected by the Commons, and a new Bill was introduced. He thought it his duty to insert the clause in the Bill substantially as it came down from the other House; but, retaining the opinion he originally expressed against the clause, if the Committee divided he should vote against it.

MR. M'MAHON said, that in the Pottery districts the highways were cut up by the carriage of coals, and if this exemption was allowed, the burden of the rates would fall more heavily on cottage property to the relief of the owners of the mines.

MR. RIDLEY wished to say a few words in defence of the clause. Coal mines were in a different position from other mines, which, as a general rule, were not rated to the poor-rates at all. Generally speaking, coal mines were the only mines which, under the Act of Elizabeth, were liable to be rated for the poor. If market gardens were rated at one-fourth only, it was unfair that coal mines should be rated at their full value. Perhaps there ought to be no exceptions; but as long as there were exceptions, the owners and occupiers of coal mines had a right to claim that they should be rated not on the

whole, but on one-fourth of the annual value.

MR. NEWDEGATE said, that under the present system the exhaustible property of coal mines was taxed on the same principle as the inexhaustible value of land. If this taxation of coal mines was unjust, the exception of iron mines must be unjust. He was in favour of the clause. He knew cases in which the mouth of an iron mine was within 100 yards of that of a coal mine; the former was excepted, and the latter taxed. He should like to hear from the Secretary for the Home Department whether he thought the existing system of excepting an iron mine and taxing a coal mine was just.

SIR GEORGE LEWIS thought the Committee ought to keep to the question before them, and not go into that of the exceptions granted in other cases.

MR. H. B. SHERIDAN remarked, that coal mines had always been charged. He should support the omission of the clause.

MR. LINDSAY said, if mines were excepted, the owners of gas-works, brick-works, and other manufactories might claim the same exception.

MR. NEWDEGATE said, that the case was so gross in his neighbourhood of the rating of coal, and the exemption of iron mines, that if this clause were omitted, he hoped its omission would lead to a re-adjustment of the system of taxation.

Clause negatived.

House resumed. Committee report Progress; to sit again *To-morrow*.

DIVORCE COURT BILL.

SECOND READING.

PRIVILEGE.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HENNESSY rose to call attention to a question of privilege. The Bill, he said, came down from the House of Lords on the 1st of May. The 5th Clause provided that, where only one of the parties to any matter before the Court should appear, it should be lawful for the Court to order Her Majesty's Proctor to instruct counsel to argue before the Court any question in relation to such matter, and the Proctor should be entitled to charge and be reimbursed the costs of such proceedings as part of the expense of his office. The 7th Clause provided that in certain cases Her Majesty's Proctor was

to retain counsel, and subpoena witnesses; that the Court should be empowered to order the cost of such proceedings to be paid by the parties, or such of them as it should see fit; and that in the event of the Proctor not being satisfied his reasonable costs, he should be entitled to charge the difference as part of the expense of his office. He submitted that whether the insertion of clauses containing such provisions was not trenching on the functions of this House?

MR. SPEAKER said: As the hon. Gentleman gave me notice of his intention to raise this question, I have been able to give it full consideration. I am of opinion that there are provisions in this Bill liable to serious objections. Clause 5, authorizing the Proctor to charge certain proceedings as part of the expenses of his office. If this was an original Bill the case would be more grave, but it is an amending Bill, to amend the Act 20 & 21 *Vict.*, c. 85. Section 62 of that Act provides,—

"It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such moneys as may be provided and appropriated by Parliament for the purpose, to cause to be paid all necessary expenses of the Court under this Act, and other expenses which may be incurred in carrying the provisions of this Act into execution."

The House will observe the words "out of such moneys as may be provided and appropriated by Parliament." It is to these words, and the use that has been made of them, that I wish particularly to invite the attention of the House. It has been a practice, grown up within the last six or seven years, for the Lords to establish grounds of expense, and to propose salaries "to be paid out of moneys to be provided by Parliament." On July 5, 1854, a Bill was brought from the Lords, entitled "A Bill to Facilitate the Sale and Transfer of Encumbered Estates in the West Indies." Clause 12 provided there shall be paid out

"Of moneys to be provided by Parliament—(this in black ink),—to the chief commissioner, two assistant-commissioners, chief secretary, and assistant-secretary—(this in red ink),—such salaries as the Commissioners of Her Majesty's Treasury may from time to time recommend—(this in black ink)."

I do not trace this course to a date earlier than the year 1854; but the Bill I have named was considered a precedent for similar provisions in other Bills. In my opinion this new practice should not be permitted to become usage. It seems to me open to serious objections. It is liable to

misconstruction. It is calculated to break down the broad line of distinction between the duties, attributes, and powers of the two Houses. Acting on the discretion vested in me by this House, I have already intimated that clauses in that form, and provisions so made, would hereafter be objected to by myself on behalf of this House, and that I should advise the House not to receive them. In the present instance—considering that this is an amending Act, considering the provisions of the original Act—I submit to the House that, if it approves of the course I have taken, and if it is satisfied that sufficient securities are provided for the future, it will perhaps not think it necessary to put its full powers into exercise on this occasion. The House, however, is now in full possession of the case, and it is for the House to decide.

MR. HENNESSY said, that after the very important statement made by Mr. Speaker, it would be presumptuous in him to add another word; except to move that this Bill be laid aside.

Amendment proposed, to leave out the words "now read a second time," in order to add the words "laid aside,"—instead thereof.

Question proposed, "That the words proposed be left out stand part of the Question."

THE ATTORNEY GENERAL hoped that the hon. Member would not press his Motion. Parliament in the original Bill had given authority to pledge its credit for the payment of all the expenses of carrying out the Act; and when the Bill came down under the provisions of the original enactment it was hardly a case for pressing the question of privilege to the extreme point.

MR. EDWIN JAMES moved as an Amendment that the debate be adjourned. The Speaker had pronounced a most important and able judgment. He thought it but due to that judgment that the House should not rashly vote upon the subject one way or the other. It seemed to him to involve the most serious considerations; and while on the one hand he should not like rashly to vote the rejection of the Bill, he should not on the other follow without consideration the advice of the hon. and learned Attorney General, and adopt a course which, if it would not appear to set aside the judgment of the Speaker, might seem to fail in giving it due attention. He entertained very serious doubts whether the provisions of one of the clauses might not amount to the imposition of a tax.

MR. MALINS seconded the Amendment.

VISCOUNT PALMERSTON thought that under all the circumstances it would be better to agree to an adjournment, which would give a proper opportunity for considering what was the best course to be taken under the circumstances.

Debate adjourned till *To-morrow*.

House adjourned at a Quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, August 21, 1860.

MINUTES.] PUBLIC BILLS.—1^a Spirit Duties; East India Loan; Local Government Act (1858) Amendment (No. 2).

2^a Excise Duties.

3^a Rifle Volunteer Corps; Landlord and Tenant (Ireland); Fortifications (Provision for Expenses); Customs (No. 2); Stamp Duties (No. 2); Defence of the Realm.

EAST INDIA LOAN BILL.

FIRST READING.

THE DUKE OF ARGYLL, in moving that the Bill be now read a first time, stated that its object was to enable the Secretary of State for India to raise in this country by loan a sum of £3,000,000. There would during the current year be a deficiency of the revenue of India as compared with the expenditure, of £7,472,000, which, however, included a sum of £1,276,000 which the Government might have to pay on account of their guarantee for railway interest. It was, however, hoped that it would not be necessary to exercise the power thus given. He sometime ago stated his opinion that the only means by which a balance between the revenue and expenditure of India could be established was by a considerable reduction of the military expenditure, and he was happy to say that the reduction during the last and present year upon that account, amounted to about £6,000,000. Unless, however, that reduction went much further, there was no prospect of establishing a balance. In consequence of the mutiny the debt of India had increased by nearly £40,000,000. In the years 1855-56 it amounted to £59,442,000, the interest upon which was a little more than £2,500,000. At present the debt was £97,851,000, with a prospect that it would

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soon reach £100,000,000, and the interest paid was £4,461,000. Thus the annual increase of charge due to the mutiny was about £2,000,000. He would now only express a hope that, by further reductions on the part of the Government of India, we should before long see the income and expenditure of that country brought near to a balance, because it was manifest that if the present adverse state of things continued it would not be many years before India would be burdened with a debt which it would be difficult to meet. He ought to add that in the statement he had just made no credit was taken for the produce of the new taxation—namely, the income tax and the licence tax, both of which, to some extent, come into operation during the current year. Although there was much cause for anxiety relative to the finances of India, yet he was happy to avow his firm conviction that there were also many encouraging symptoms. He was informed by Sir Charles Trevelyan, who had lately returned from Madras, that the price of all agricultural produce in that Presidency was rapidly rising—that a great increase had taken place in the cultivation of the soil there, owing in a great degree to the measures actively carried out by Lord Harris for the reduction of the land rent while Governor of Madras—that the discharged soldiers in that Presidency were easily absorbed into other employment, and that the entire aspect of the country gave token of a very general prosperity.

Bill read 1^a.

House adjourned at Six o'clock, to Thursday next, a Quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, August 21, 1860.

MINUTES.] PUBLIC BILLS.—2^o Consolidated Fund (Appropriation); Exchequer Bonds or Bills (£2,000,000).

3^o Local Government Act (1858) Amendment (No. 2); Chancery Evidence Commission.

ENDOWED CHARITIES BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clauses 1 to 17 *agreed to*.

Clause 18 *withdrawn*.

Clauses 19 and 20 *agreed to*.

Clause 21 (The Salary of the Secretary).

MR. AYRTON drew attention to the duties which were discharged by the Inspectors under the Charitable Commission, and suggested that an increase should be made in their salaries.

THE CHANCELLOR OF THE EXCHEQUER declined to have any increase of salary which might be given to the Inspectors paid out of the Consolidated Fund. He did not think that the public purse should be charged for such purposes.

THE ATTORNEY GENERAL said, that there ought to be a clause proposed to give compensation to the inspectors to a limited amount, such compensation to be raised out of the trust funds committed to their charge; and for this reason, that the inspectors had thrown upon them a very great and onerous duty which was never contemplated when they accepted their present offices. The Bill of 1853 did not contemplate any such duty. He therefore approved of having a clause to this effect brought up on the Report. The inspectors would thus have £200 a year added to their income.

MR. HENLEY suggested that the whole subject of expense created by the Bill, should be brought before the House next Session by the Chancellor of the Exchequer.

On the Motion of Mr. Lowe the following Clauses were added to the Bill :—

" There shall be paid to each of the official trustees of charitable funds appointed by the Lord Chancellor, in pursuance of the first or secondly recited Act, such a salary, not exceeding the annual sum of pounds, as shall from time to time be allowed by the Commissioners of Her Majesty's Treasury."

" No official trustee of charitable funds, appointed under or in pursuance of the first or secondly recited Act, shall be chargeable with or accountable for any loss or misapplication of the said charitable funds, or the dividends, interest, or income thereof, unless the same shall have been occasioned by or through his own wilful neglect or default."

" This Act may be cited for all purposes by the short title of ' The Charitable Trusts Act, 1860. '"

MR. ROLT moved the insertion of a clause requiring the official trustees of charitable funds to lay before Parliament annually an account of the capital, stock, shares, and securities transferred to them during the previous year, and of the investment or re-transfer of the same.

Clause *agreed to*.

Remaining clauses *agreed to*.

MR. HADFIELD moved a new clause which would have the effect of giving the

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Commissioners power to appoint an inspector auditor in certain cases.

THE ATTORNEY GENERAL opposed the clause.

Clause (Power to appoint Auditor in certain cases,) *brought up* and read 1^o.

Question put, " That the Clause be read a second time."

The Committee *divided* :—Ayes 6 ; Noes 43: Majority 37.

Question that the Preamble be agreed to,

MR. MELLOR expressed his thanks to the right hon. Gentleman for the Bill, which he thought would be very useful. At the same time, he could not but regret that some clauses had not been inserted to prevent fruitless litigation, in consequence of the decision of the Lords Justices in the Ilminster School case. Speculative lawyers were encouraged to take up cases, the costs being paid out of the trust, so that by-and-bye there would be no trust to administer. He hoped some Bill would be introduced next Session which might prevent such litigation.

Preamble *agreed to*.

House *resumed*.

Bill *reported*, with Amendments ; as amended, to be considered *To-morrow*, and to be *printed*. [Bill 331.]

COURT OF CHANCERY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

MR. HADFIELD said, he wished to call attention to the clauses of this Bill, which had been introduced for two purposes—one to make provision for the relief of persons committed for contempt by the High Court of Chancery, and as to which there could be no dispute, and the other to make provision for the better discharge and greater despatch of the business of those Courts, and for this purpose the remaining Masters in Chancery were authorized to retire upon the usual terms. There were only three Masters left, and they were all more or less incapacitated through age and infirmity for the due performance of the matters pending before them. Now, a great amount of business would be thrown upon the Master of the Rolls by this Bill—indeed, had already devolved upon him which he would not have been able to get through but for the able assistance of Mr. Buckley, late chief clerk to one of the Masters in Ordinary. He had, therefore, framed clauses directing that an additional chief clerk to the Master of the Rolls be appointed, with

powers similar to those exercised by the chief clerks of the Judges in Chancery, and that the first chief clerk be Mr. Buckley. Indeed, so great was the amount of work which the House was inclined to throw upon that Court that he had no doubt that before long it would be necessary to appoint a fourth Vice-Chancellor. He should also propose to have the additional chief clerk transferred at the discretion of the Lord Chancellor to any of the Vice-Chancellors, according as might be seen fit. There were other minor propositions which he should make, but he desired to say that the new clauses which he wished to propose had the sanction of the Lord Chancellor, and of all the Judges in Chancery. The clauses which he should propose would not cause one shilling extra expense on the Consolidated Fund, and the fees from the business which would be transacted would pay all the expenses. The chief clerks were very much worked, sitting every day from ten to six, and then having to take papers home with them for the evening. He hoped the hon. and learned Attorney General would give his assistance in passing these clauses.

SIR JAMES GRAHAM said, that his hon. and learned Friend had cited high legal authorities in favour of his proposition; but whatever respect the House might be inclined to pay to the opinions of those great functionaries, he trusted they would pay still more deference to the authority of a Committee of their own House. When the Masters in Chancery were abolished, on the recommendation of a Commission, of which he had the honour to be a Member, it was done at great expense to the country, in consequence of the compensations awarded. The Commissioners anticipated that great evils would arise, if the duties of Judges in chambers were handed over to their chief clerks; and they therefore expressed a hope that the Judges would divide their time between the bench and chambers. The business of the bench, however, became so onerous, that the Judges could not give their services in chambers, as was intended; and the consequence was that their functions were performed by their chief clerks; so that the evil apprehended by the Commissioners had actually arisen. It was to be recollected that the clerks of the Judges were persons inferior in station and ability to the Masters in Chancery. He, therefore, thought it was the duty of the House not to facilitate the means by which the im-

portant duties of the Judges should be transferred from themselves to their clerks. The proposal of the hon. Member for Sheffield was to appoint a permanent additional chief clerk to the Master of the Rolls. If the House agreed to this appointment, they might reckon upon the appointment of an additional clerk to the establishment of each of the other equity Judges, at a great expense to the country. Though he opposed this proposal, he must say that he thought the time had arrived when an additional equity Judge should be appointed to meet the pressure of business in Chancery. The adoption of the step they were now called on to take, would be subversive of all hope for the future; and, so far from being an improvement, would be one of the greatest injuries that could possibly be inflicted upon the change that had flowed from the recommendations of the Chancery Commission. Whenever the subject of law reform was brought forward, questions of a personal character invariably cropped up to disfigure it; to prevent the public from regarding it with favour, and to bring discredit on the House itself.

MR. ROLT said, he was not on the Committee; but, as he had some acquaintance with the working of the new practice, he felt anxious to state that he did not agree with the views of the right hon. Baronet. No doubt there was a tendency to refer matters to chambers; but less references were made now than were formerly made to the Masters. He thought the time had not arrived for the appointment of a new Judge; for although the Vice-Chancellors at present were fully occupied, there was no arrear of business; but, in the interval between the periods of having plenty to do and having a surplus of business, it might be well to have more chief clerks. The gentleman, who it was intended should be the third chief clerk of the Master of the Rolls, had been doing the duties of chief clerk for three years, in consequence of the illness of one of those gentlemen. The Master of the Rolls stated that if he were deprived of his services, the business of his chambers would fall into arrear. He thought that greater powers should be given to the Lord Chancellor to appoint these chief clerks, if their services should be required.

SIR JAMES GRAHAM asked if the services of Mr. Buckley could not be continued, as now, without giving a Legislative sanction to his appointment?

MR. MALINS said, he agreed in the

main with the observations of the right hon. Baronet (Sir James Graham). Indeed unless it could be shown that an additional clerk was necessary for the Vice-Chancellors, he could not agree that it was necessary to give another clerk to the Master of the Rolls. The Vice-Chancellors' clerks did quite as much work as a single Judge could superintend, and if another chief clerk were appointed for each of the Courts there would be more work than the Vice-Chancellor could adequately supervise. He was not of opinion that the time had come for the appointment of a new Judge, but he did not mean to say that it was far distant, inasmuch as by a Bill now before the House, which would enable *viva voce* evidence to be taken, the business of the Courts of Chancery would greatly increase. In reply to the question of the right hon. Baronet whether Mr. Buckley's services could not be retained on the same footing as at present—Mr. Buckley was clerk to Master Blunt, who died in 1856. He was entitled to £1,000 a year as such clerk, and three years ago one of the clerks of the Master of the Rolls having become ill, Mr. Buckley offered his services without any additional salary. Since that time he had discharged the duties, and if he continued to discharge them he would not receive any additional salary to that to which he was at present entitled. He thought that, under the circumstances, the services of Mr. Buckley might be retained on the same condition as at present.

THE ATTORNEY GENERAL said, he had listened attentively to the observations which had been made, and he thought the public were indebted to the right hon. Gentleman the Member for Carlisle for the manner in which he had brought this subject before the House. On the part of the Government he should give a decided opposition to the addition of any more chief clerks, because he thought that the Judges could not properly superintend more business than could be transacted by two chief clerks, and the duties of these clerks should be confined to purely ministerial matters. Every question ought to be decided by the Judges, and the chief clerks ought to give no opinion or judgment in the cases before them. At the same time he admitted that there was a difficulty in depriving the Master of the Rolls of a part of the assistance which he had enjoyed. Mr. Buckley had been employed in the office of one of the Masters in Chancery, and as the business of the

different masters had been transferred to the Master of the Rolls the assistance of one of their clerks should be granted to him. On that ground he thought the assistance of Mr. Buckley should be continued. He proposed to introduce words providing that Mr. Buckley should only be employed during such time as, in the opinion of the Lord Chancellor, his assistance might be required, and that he should not be entitled to compensation.

Mr. HENLEY agreed so entirely in all that had been said by his right hon. Friend the Member for Carlisle that he would not occupy the attention of the Committee by repeating it. He must state, however, that he was not favourable to the Amendment of the Attorney General; and he must oppose it unless it were fenced and guarded in such a manner that it should not be drawn into a precedent for the appointment of other additional chief clerks in equity, whereby the evil would be perpetuated which they thought they had got rid of, and the termination of which had cost such a great sum to the country; for he feared much that if these permanent clerks were appointed they would become a new crop of Masters in Chancery. He therefore hoped that something would be stated in the preamble of the Bill which would prevent the possibility of this proposed arrangement, with respect to Mr. Buckley, being drawn into a precedent for the appointment of additional chief clerks by the equity Judges. He suggested that the Attorney General should print his clause, and bring it up on the Report.

SIR JAMES GRAHAM viewed the Attorney General's proposal with great jealousy. When the Vice-Chancellors were sufficiently occupied in superintending two clerks he did not see how the Master of the Rolls could efficiently superintend three. He thought the time was at hand when the services of a fourth Judge would be necessary, and then the services of Mr. Buckley could be transferred to the new Judge. He thought the reasons for the present appointment, if it was agreed to, should be stated in the preamble of the Bill.

THE ATTORNEY GENERAL concurred in the suggestion that the reasons of the appointment should be stated in the preamble, and that Mr. Buckley's services should be transferred to the new Judge, if a new Judge should be appointed.

House resumed. Committee report Progress; to sit again *this day*.

THE CAPTAINS' RETIRED LIST.

QUESTION.

SIR JOHN PAKINGTON said, that in the statement made by his noble Friend the Secretary of the Admiralty, respecting the new scheme of retirement he did not remember that any exception was made to the principle of retirement as applied to the captains' list. He was now informed that the captains on the 14s. 6d. list were to be exempted from the application of the rule. He wished to ask whether this was true, and, if so, what was the reason for such an exemption, and also whether his noble Friend had received representations tending to show that in the opinion of those affected by it the rule had been applied in a partial manner.

LORD CLARENCE PAGET said, the captains on the 14s. 6d. list had an alternative given them of remaining in their present position. The Admiralty held that these officers had so nearly attained their flag, that they had acquired, as it were, a vested interest in it, and that, therefore, it would be fair to give them their choice of accepting 20s. a day at once, or of waiting until they arrived at the head of the list, when they would be entitled to 25s. a day. With regard to the captains on the 12s. 6d. list the Admiralty were of opinion that the same rule did not hold good; and that they were so far down that many years would probably elapse before they reached the top of the list, and that, therefore, it would be fair to give them 20s. a day at once in exchange for their present position. As to the captains on the 10s. 6d. list, their chances were still more remote, and, consequently, they were held entitled to only 18s. a day. Thus the captains on the 14s. 6d. list were allowed, if they chose, to remain as they were, while in the case of the captains on the 12s. 6d. and the 10s. 6d. lists retirement was made compulsory. The Admiralty, after mature consideration, had felt it right to make that distinction.

NEW ZEALAND BILL.

SECOND READING PUT OFF.

Order for Second Reading read.

VISCOUNT PALMERSTON: I wish to state to the House that it is the intention of the Government not to press this Bill any further. We do not doubt that if there was time for the fair and full discussion of the measure we should succeed in

removing the objections which are entertained to it by many hon. Gentlemen. But considering the state of the Session and the attendance of Members it would hardly be fair on the part of the Government to ask the House to go on with a measure which will certainly require careful consideration, and which, in the opinion of many persons, involves important principles of colonial legislation. The object of the Bill was to protect the interests of the aborigines of New Zealand. We are of opinion, however, that the powers which the New Zealand Constitution gives to the Crown of making regulations bearing upon the interests of the aborigines will, if properly used, be sufficient for the purpose we have in view; and if it should appear that those powers are inadequate it will be then for the Government at some future time to have recourse to legislation on the subject. Under these circumstances I apprehend that the House will think we have exercised a sound discretion in not pressing this Bill further during the present Session, and I beg, therefore, to move that the Order of the Day be discharged.

SIR JOHN PAKINGTON was sorry that he could not in this instance adopt the old and excellent maxim *de mortuis nil nisi bonum*. Both personally and politically he had great reason to complain of the conduct of the Government on this question. He had listened to the speech of the noble Lord and he found in it no ground for the withdrawal of the Bill, which might not quite as well have been known to the noble Lord a week ago as it was at that moment. He had left Worcestershire that morning for the special purpose of opposing the Bill. He had previously addressed a letter to the Secretary of the Treasury in which he had stated, wholly irrespectively of party considerations and in perfect good faith, the reasons why he thought it was the duty of the Government not to press this Bill, and begged to be informed whether it would be necessary for him to come up to state his objections. In reply the Secretary to the Treasury, who, by his request, had shown his letter to the noble Lord, said the noble Lord felt bound to proceed with the Bill. In consequence of this he had deemed it his duty to come up to town, at considerable personal inconvenience, to state his objections to the measure; and now he was told at the eleventh hour that, at this period of the Session, and with this skeleton House of Commons, the noble Lord did not mean to

press it. He thought he had reason to complain of the Government for not making up their minds sooner upon this subject. He was disposed, however, to believe that there were other reasons than those assigned by the noble Lord which induced them to give up this Bill; that they had discovered that even in the present state of the House they would not be able to pass a measure which was opposed to all the principles upon which our colonial policy had of late years been conducted. Moreover, upon coming up to town in order to oppose this Bill he found a paper which had been recently issued, and which bore strongly upon the question involved by this Bill. It was a despatch from the Governor of New Zealand, enclosing a paper which had been drawn up by the Bishop, the late Chief Justice, and Mr. Swainson, a person of very great authority on such a subject, and which pointed out the very great objections to which the Bill was liable. That paper was received by the Colonial Office on the 10th of August, and was ordered to be printed on the 15th; and yet on the 17th the Secretary to the Treasury informed him that he must come up to town, as the Bill would be proceeded with, although it was inconceivable how any public Department could think of pressing the measure after receiving the despatches he had referred to. It appeared also that on the 2nd of July there was to have been held a meeting of the Natives, and the Governor himself stated that he had summoned the Legislature to meet in August further to consider this subject. If the Colonial Office had ventured to press this Bill behind the back of the colonists, without their knowledge, and against the opinion of almost all the colonists now in England, it would have been an unwise and objectionable course. He was confident that if the noble Duke the Secretary of State had been in England, and had seen the despatch from the Governor, he would not have ventured to press the Bill. As the Bill was to be withdrawn, it would be unnecessary to comment upon its details, but he could not refrain from saying that it was open to most serious objections. It would have created an irresponsible Council to act concurrently with the constitutional Legislature of the colony; and he thought that every one who considered the subject must be persuaded that the action of two such bodies must have produced constant ill-will and collision, and would have created bad feeling between the colonists and their

Governor, between the colonists and the Imperial Government, between the European settlers and the Natives, and must have tended to retard that amalgamation of the races which every wise and benevolent statesman must be anxious to promote. He rejoiced that the same mail which would take out the intelligence of the introduction of this unwise and imprudent measure would also convey the news of its tardy and ungracious withdrawal. The Bill would have met with opposition from men of all parties in that House, who repudiated it as wholly inconsistent with the liberal principles upon which our colonial legislation had of late years been based.

MR. HADFIELD said, he did not think the right hon. Gentleman had much to complain of in the conduct of the Government in apprising him that it was their intention at the time the correspondence passed between the right hon. Gentleman and the Secretary to the Treasury, to proceed with the Bill. Why was the right hon. Member absent from his place in that House? The business of the borough represented by the right hon. Member surely was not so vast as to require his presence for many days together, and certainly it did not prevent his being in his place in that House whenever there was going to be a gala day or a party "set-to." The right hon. Gentleman had not considered that the noble Lord at the head of the Government was not always a free agent, nor that he was frequently much tossed about in his arrangements through the length to which the eloquence of the right hon. Gentleman was drawn out on those special occasions when he occupied so much time in addressing the House. He (Mr. Hadfield) honoured the noble Lord for having introduced the Bill. He believed it was calculated to confer great benefit upon the colony, and was perfectly prepared to have given the noble Lord his independent support. The right hon. Gentleman had given advice to the noble Lord, who was a great listener, and was always ready to receive advice, particularly from the Conservative side of the House. He (Mr. Hadfield) would also venture to give his Lordship a little advice. It was—"Don't listen to the Bishops." The duty of the bishops and ecclesiastics was to instruct the wild people of the colony in Christian doctrines, and in the principles of morality, and, so long as they did so, he would say, "God bless them and their efforts"—but they did not adhere to that principle. They

had meddled in politics; and to that he (Mr. Hadfield) was on principle opposed. We had quite enough of ecclesiastical quarrelling in England, and he trusted it would not extend to the Colonies.

Mr. CHICHESTER FORTESCUE said, that he had a petition to *present* from fourteen gentlemen of Auckland, New Zealand, who stated that the petition against the Bill came from the Southern Island, in which the Native question did not exist, and where no necessity had arisen for the services of the army and navy. He regretted the inconvenience to which the right hon. Gentleman (Sir John Pakington) had been put, but if he would candidly place himself in the position of the Government he would better understand the difficulty which the Government had felt in making up their minds to withdraw this Bill. It was impossible for the Government lightly to throw over a Bill thus carefully considered and introduced on the responsibility of a respected colleague now absent. He was surprised to hear the right hon. Gentleman lay so much stress on the despatch just presented to Parliament, because, in his view, that despatch was little more than a repetition of the excellent advice and information previously given by the Governor and others. He hoped the House would allow him to make a very short statement of the views with which his noble Friend the Duke of Newcastle framed the Bill, which, for the reasons stated by the noble Lord at the head of the Government, had now been withdrawn. He felt that to be the more necessary, because if there was one statesman in this country less likely than another to sanction any invasion of those rights of self-government which he had himself taken a large share in conferring upon the Colonies, that man was his noble Friend. And yet the noble Duke was now said to have introduced into "another place," and carried through a second reading, a Bill which had been treated in some quarters as a violation of the Constitution Act, a reversal of our policy, and he knew not what epithets besides—every exaggeration and misconception, in short, that could be pressed into the service of a most active agitation against the Bill. Now, on the contrary, he maintained that this Bill—without going into the question of its expediency, or of whether the same object could be better attained by other means—was not a violation of the Constitution Act, but rather framed in its spirit,

Mr. Hadfield

and was no infringement of the rights of self-government conferred upon the colonists of New Zealand. He knew that it was not so in intention—he was convinced that it was not so in spirit and effect. The fact was that this was not a question to be disposed of by mere reference to the axioms of what was called "responsible government." Two questions had long been disputed between the Home Government and British colonists. One was, should they govern themselves? another, and a totally distinct one, was, should they govern others? The first question had been most properly and righteously decided in favour of the colonists, wherever it had been possible. That decision had been come to once for all, and no Government would wish or venture to reverse it—certainly not the present Government or the present Secretary of State for the Colonies. But on the other question the Crown held its ground, and maintained its right and duty of protection and control over Native races and Native questions, wherever and so far as it could usefully and practically exercise such control. He had but to mention British Caffraria, Natal, Ceylon, most of the West India colonies, or, to take a gigantic example, British India itself—in all of which the Crown retained more or less control, and did not commit unrepresented Native races to the government of the settlers under the extreme doctrines of responsible government. He need not ask the House what they would think of attempting to govern Ceylon—not to say India—through a Governor who would be absolutely controlled by an Assembly elected by the universal suffrage of the Europeans alone. Well, that difficulty was keenly felt when the question arose of conferring a representative constitution upon the colonists of New Zealand. It was felt that the Natives could not possibly—at all events, for a long time to come—be included in such a representation; it was felt that it would be difficult and dangerous to govern them and tax them without giving them any voice in the matter; it was felt also that it was to the Crown, and not to the settlers, that they had ceded the sovereignty over their country; and that the Crown had, in return, by solemn treaty taken them under its protection. These considerations delayed the grant of the Constitution for several years, and when it was given they were fully present to the minds of those who framed it. He alluded especially to Sir George Grey, and

Lord Grey, who both agreed and intended that the control of the Crown over Native affairs ought not to be surrendered. That principle was embodied in the Constitution Act, which was inherited and carried into law by the right hon. Gentleman (Sir John Pakington). That Act contained two most important clauses, which were designed by Lord Grey and Sir George Grey as the charter of the Native race. One enabled the Crown at any time, by letters patent, to form the Native territory, or any part of it, into Native districts, to maintain within those districts Native laws, so far as was not repugnant to principles of humanity, and to withdraw them from the authority and legislation of the Colonial Parliament. The other conferred on the Crown alone or its delegate the right of acquiring land, by purchase or otherwise, from the Natives, and of prescribing all the terms and conditions upon which that should be done. That Constitution became law, and before long the entire system of responsible Government was brought into operation in New Zealand, with the marked exception of Native affairs. On that subject an arrangement was made between the Governor and his Ministers that Native affairs should not be reckoned among the ordinary domestic questions of the colony, but should be considered as among Imperial questions, upon which the Ministry should have full knowledge of what was doing, and the right to give advice, but the real control and decision resting with the Governor, or in case of serious difference with the Secretary of State. That was embodied in a memorandum, which was submitted to the Assembly and the Home Government, and sanctioned by both, and ratified in a very marked manner by the then Secretary of State, Lord Taunton. But there was a more recent and stronger assertion of the same principle only last year, and emanating from the Government of which the two right hon. Gentlemen opposite were Members. Last year a New Zealand Act of great importance, dealing with the land question and questions of Native title came before the then Secretary of State, which also imposed the condition on the Governor that he should act under it "only with the advice and consent of his Executive Council." The Royal confirmation was refused to that Act, and the reasons given by a despatch signed by Lord Carnarvon, which asserted in very strong terms the rights and duties of the Crown. Such, then,

was the state of things which his noble Friend found when he came into office. His noble Friend found it settled already by the very nature and justice, he thought, of the case, and by the decisions of his predecessors, that the paramount control over the Natives should not be handed over to the colonial Parliament—not by way of any reproach to them, or to the able and enlightened gentlemen who formed the present New Zealand Ministry—but because the Natives were absolutely unrepresented there. But something it was felt must be done; things were advancing rapidly to a crisis or a dead lock, and that in two main respects—the purchase of Native land and the Government of the Native race. As to land, the settlers cried out for more, they were increasing in number daily; the demand for land grew stronger and louder. On the other hand, the Natives had grown less and less inclined to sell—more and more suspicious and jealous of the invading race. Again, the Natives wanted more government. They complained that we called them British subjects, but did not govern them, did not keep the peace among them. So, in default of government from us, they were making various efforts to govern themselves, the most remarkable of these being the now well-known "Maori King movement." But, at all events, the "let alone" system would not do; the Crown must either give up its duties to others, or else perform them itself. With this view and this sense of responsibility his noble Friend examined what those powers were. He found them very wide in scope and principle, but not very efficient in practice; he found the negative powers of the Crown, so to speak, much stronger and clearer than the positive. The Crown, for instance, could to-morrow set apart all the Native territory of the Northern Island, and withdraw it from the legislation of the Colonial Parliament. The object, then, of this Bill, was to enable the Crown to act effectually, but only within the sphere and in execution of the duties already belonging to it, for the settlement of these Native questions. His noble Friend had no intention whatever of trenching upon the fair rights of the Colonial Legislature. As to the question, whether the Crown should apply to the Imperial or the colonial Parliament for the powers conferred by this Bill, he would not detain the House by any argument. It was a point on which there would naturally be differences of opinion. Our position,

however, was clear. The Government believed that the Crown was only coming to the Imperial Parliament for legislation within a sphere already reserved to the Crown by the Constitution Act of New Zealand, and that therefore there was no invasion of the rights and privileges conferred on the colony by that Constitution. However, as things were, Her Majesty's Government would endeavour to make the best use they could of the powers already possessed by the Crown, which he admitted to be considerable, though imperfect. If those powers should hereafter prove inadequate, it would then be time to consider how best they should be improved or enlarged. Meantime, he trusted that the Governor, with his present able and temperate Ministers, armed with all the moral and legal aid which Her Majesty's Government could give them, and with the physical force which was already, or soon would be, at their disposal, might be able to prevent the horrors of civil war, to reconcile the Queen's subjects of both races, and promote the progress and prosperity of the one without sacrificing the rights and happiness of the other.

SIR GEORGE LEWIS said, he was sorry that the right hon. Baronet should have been put to any personal inconvenience by the course which had been taken in regard to this Bill: but notice had been sent by telegraph to the right hon. Gentleman as soon as the decision of the Government was made. He supposed the right hon. Gentleman did not receive the message. The subject of the Bill was one on which the Government had felt considerable anxiety; and the circumstance that it had received the approbation of the other House, and the absence of the noble Duke at the head of the Colonial Department, rendered it somewhat difficult for the Government to decide whether they should proceed with it. It was only last night, after full consideration of the means which the Crown already possessed of accomplishing the object aimed at by the Bill, without having recourse to Parliament, that they decided it would be consistent with their duty not to proceed with the Bill at present.

Mr. ADDERLEY deemed himself recompensed for the inconvenience of coming up to town to oppose the Bill by the gratification he experienced at its withdrawal. He must protest, in one sentence, against the language of the hon. Under Secretary for the Colonies, from which it might be

inferred that the Government had merely dropped the Bill for the present Session, and intended to proceed with it on a future occasion. He believed it would be utterly impossible for the Government to pass any such Bill. He feared that a false impression might be created by the statement of the Under Secretary as to the reasons for abandoning the Bill. He believed firmly that the withdrawal had arisen, not merely from the lateness of the Session, but from the utter inability of the Government to procure support for it, even at a time when the House was occupied almost entirely by their own adherents. If the Crown already possessed sufficient power, what justification could be offered for the introduction of the Bill? Her Majesty ought to exercise whatever power she possessed, not through the Government at home, but through her representative in the colony. The entire local executive must be responsible to the local legislature; and two legislatures, side by side, and independent of each other; a Native Council and representative assembly on the same ground would make hopeless confusion, and must end in referring every question back to England. The policy of the measure was retrogressive and dangerous in the extreme. The hon. Member for Sheffield supported the Bill, and at the same time advised the Government to beware of the colonial Bishops, not knowing, apparently, that this measure emanated entirely from that body. The excellent Bishop and Archdeacon of New Zealand in their zeal on behalf of the Natives, had been led into this most erroneous project. The Chancellor of the Exchequer could hardly have heard with satisfaction the announcement of the hon. Gentleman (Mr. C. Fortescue), that the colonists were empowered to govern themselves, but not to govern the Natives as part of the same community, seeing how often budgets had been disturbed by the application of that principle at the Cape—namely, that even after a colony had the gift of self-government, its internal wars and disturbances with natives were to be conducted at the charge of the mother country.

THE CHANCELLOR OF THE EXCHEQUER said, he entirely agreed with his right hon. Friend opposite as to the application of the principle of self-government to the Colonies in the largest sense; and was not aware that in the whole history of our policy we had ever committed any error in making that sense too large. The error

had been rather the other way. The right hon. Gentleman said truly that it was very desirable that there should be no misapprehension in the colony on the subject of this Bill. He was anxious also that there should be no misapprehension, and he wished to say a single word because he thought the right hon. Gentleman had not clearly understood the effect of the speech of his hon. Friend the Under Secretary of State. The right hon. Gentleman seemed to apprehend that, although this Bill was dropped in consequence of the late period of the Session, it would be reintroduced early next Session. His hon. Friend (Mr. Fortescue), surrendered none of the rights of the Government to make any application to Parliament which public duty required, but at the same time had clearly pointed out that there was no such intention as the right hon. Gentleman opposite seemed to suppose, because his hon. Friend said that having abandoned this measure the Government would apply the powers of the Constitutional Act and endeavour in the spirit of those Powers to attain the object in view in concert with the colonial authorities. That was the intention expressed by the Under Secretary of State, and he thought the right hon. Gentleman would see that it formed no ground for uneasiness when the declaration of the withdrawal of the Bill came to be read in the colony.

Order *discharged*.

Second Reading *put off* for three months.

NAVAL DISCIPLINE BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Part I. Clauses 1 to 39, "Articles of War."

On Clause 1 (Public Worship).

LORD CLARENCE PAGET: Mr. Massey, the House having indulgently permitted me for the public convenience the other night to read this Bill a second time without giving any explanation of the necessity of the measure or any account of its clauses, I wish to take this opportunity to give to the Committee some idea of the objects and provisions of the Bill. I confess that I regret very much that it has not been in my power to present the Bill at an earlier period of the Session. I admit that its importance is very great, and, as my hon. Friend the Member for Lambeth (Mr. Williams) has stated, I do not suppose that any measure has been

laid on the table of greater importance than that which has to do with the wellbeing and discipline of the Navy. It is an ill wind that blows nobody good, and I cannot help being extremely rejoiced that this question of the New Zealand Bill should have called the right hon. Baronet (Sir John Pakington) to town, so that I have the advantage of his advice and assistance. The Act of Parliament which the present Bill is to supersede is a very old Act. It was passed originally in the reign of Charles II., amended somewhat in the reign of George II., and therefore, except trifling alterations, I may say that an Act two centuries old is still the text book for the government of the Navy. I think everybody will admit that it is high time that Her Majesty's Government should consider whether this old Act may not be remodelled, whether something like a more merciful view may not be taken in many cases, and whether it is not desirable, in fact, to enter upon complete revision of the naval code.

I will proceed to give to the Committee the general features of the Bill, and afterwards, if necessary, I will endeavour to explain any clauses which hon. Gentlemen may find any difficulty in understanding. The first great defect which the present Act manifests is the extreme difficulty of holding courts-martial. As the law at present stands no court-martial can be held unless five superior officers are available as members of the court; and three of the five must be of higher rank than commander; this, of course, generally necessitates the presence of five ships, so that it has happened on many occasions that a fleet has been kept together to hold courts-martial when the services of the ships were required in various parts of the globe. Another very great inconvenience which has for a long time been felt is that, however large may be the fleet in presence, there are no means of holding more than one court-martial at a time; so that, although there may be 20 line-of-battle ships present, and although in such a large fleet many cases must necessarily occur, there are no means of trying a second offender until the first case has been disposed of. We propose to deal with these inconveniences by a clause making the presence of three ships sufficient, and allowing lieutenants to sit as members of the Court, from which they are now excluded. As lieutenants hold a very responsible position, and have often the entire discipline of a

ship to manage, it is manifestly an anomaly that they should not be thought worthy to sit on courts-martial. By this proposal we shall greatly facilitate the holding of courts-martial. It is also proposed, when a large fleet is in presence, to authorize the holding of two or more courts-martial simultaneously when necessary. It is impossible to overestimate the importance of this point, because not only is there the inconvenience to which I have alluded of fleets being kept together when they should be dispersed on service, but it continually happens that offenders are kept awaiting their trial for many weeks—I may say months.

Having stated the facilities for holding courts-martial which will be afforded if the Committee approve this measure, I will now endeavour to explain the clauses with regard to the crimes and punishments which are set forth in the Bill. And if any should think how Draconic they still appear I pray them to bear in mind that we have to deal with a great body of men of all classes, often drawn from the very dregs of society, who too frequently enter the Navy without religious or moral principles, and with tainted morals, and who are rarely improved by being boxed up together, as it were, in a ship. If any hon. Gentlemen think the punishments too severe, I beseech them to bear in mind that, unless we maintain the discipline of our fleets, no longer will our fleets do honour to the country, and that to this end the punishment must be swift, certain, and severe. The first class of crimes we deal with are those committed in presence of the enemy. Under the existing laws, the court-martial has, in some instances, only limited powers of sentencing, which has in many cases acted with undue severity on the prisoner, and in many more been the cause of his entire escape from the consequences of his crime—for whatever motives induced the crime, the sentence must be the same. Every one will remember the case of Admiral Byng. He was tried under the 12th Article of War, which declares death to be the punishment of every person in command who through cowardice, negligence, or disaffection, withdraws from action, or does not come into action, or does not do his utmost to take and destroy every ship of the enemy that it was possible to capture or destroy; or who does not assist to the utmost of his power Her Majesty's ships or the ships of her allies. The court-martial which condemned Admiral Byng

acquitted him both of cowardice and disaffection, and found that he had only been guilty of an error in judgment; and thereupon the clause obliged them to sentence him to death, and they had no power whatever to mitigate the sentence they were compelled to pass upon him: but they recommended him strongly to mercy, and wrote a petition to the Admiralty of that day, conveying their sense of the enormity of the punishment for such an offence. After that cruel execution of Admiral Byng, a small modification was made, giving the Court power to mitigate the punishment, but unfortunately, it was not until twenty-two years afterwards. We go further. We not only give the power of mitigation, but do not permit the Court to award the extreme penalty unless the proved motives for the crime are such as to deserve capital punishment. We deal with the class of offences before the enemy by dividing it into three categories. To the first—treachery—we award death, and I do not suppose that any hon. Gentleman will think that too severe. For cowardice before the enemy, which may be in some cases susceptible of extenuation, we propose to give the Court-martial power to award the extreme penalty of death, or of imprisonment and dismissal from Her Majesty's service. For neglect of duty, which may arise from remissness, carelessness, drunkenness—which may incapacitate a man for discharging his duty, and for a variety of other offences, we proposed to inflict punishments of a lesser degree. My object is to show that we intend to define the crimes, and to take cognizance of the motives which impelled the offender to commit a particular crime, and to deal with him according to the motives. My hon. Friend the Member for Lambeth (Mr. Williams), in calling attention to the severity of the naval code, said that everything is death in the Articles of War; but if he will look at this Bill he will see that there are only three cases in which the punishment of death, without power of mitigation of the sentence, is inflicted. There is an anomaly in the present law which we propose to do away with, and which I confess I am surprised has not been remedied long ago, and it is this,—you give a court-martial power to inflict death for almost any grave offence, but you give it no power of inflicting penal servitude, which would be commensurate with a grave offence short of a capital crime. We propose by this Bill to give power to courts-martial to inflict death or

penal servitude, or other punishments of a lesser character. That I believe will be a great improvement. The next class of crime with which we deal is mutiny. Now, what is and what is not mutiny? I believe the highest legal authorities are divided on this point. Is mutiny the act of one man, or must it necessarily be the act of more than one? In the original Bill, as drawn by the Admiralty, we defined mutiny to be the act of two or more persons combining to resist the authority of their superior officer. The Bill however was not only very carefully considered by the House of Lords itself, but by a Select Committee of the House, which was attended by some of the highest legal authorities in the realm, and before which men of the highest naval position were examined. The conclusion was that it would be better not to attempt any definition of mutiny in the Bill; and the clause containing that definition has been expunged; but it will be seen that every mutinous act which can be committed has been dealt with under the head of mutiny and insubordination. The next difficult point which we have dealt with is desertion. There is great difficulty in determining what is really desertion. A man may desert from his ship with the intention of stopping away, and be caught and brought back in 24 hours, and another man may stop away 20 or 30 days and yet not intend to desert. Under the present law there is really no definition of the crime, any more than in a mere general way—it has been dealt with according to the custom of the service, rather than according to any known law. By this Bill we define desertion to be the absents himself from his ship or place where his duty requires him to be, without intention of returning to such ship or place. If it can be proved before a court-martial that a man has quitted his ship with the intention to desert, the Court will have the power to find him guilty of desertion, although he had been absent but a few hours. At present we have no power to deal with offences committed on shore within our dominions. If any officer, or sailor, or marine misconducts himself in a town, the captain has no power to bring him aboard ship and try him. This has frequently been the cause of great inconvenience; and we have taken powers in this respect which will be greatly to the advantage of the service. In addition to clearly defining offences, we propose to give power to courts-martial to find a man charged with a greater

offence, guilty of a lesser offence only if they see fit, and if they find him guilty of the lesser offence they will have power to award the lesser punishment; in the same manner that a civil tribunal may find a man accused of murder guilty of manslaughter only, if they think the evidence warrants them. Courts-martial have no power of the sort now. For instance, if a man is charged with murder he must be found guilty or not guilty of that particular crime alone. Then, there comes the question of corporal punishment, which has always excited a great deal of attention in this country. I can assure the Committee that there is not an officer in the navy who does not suffer the greatest possible pain in inflicting corporal punishment. I am speaking the general opinion of the profession when I say that officers would give anything to get off flogging a man, and it is only because the punishment is a positive necessity in the service as at present constituted that it is inflicted. So long as there are men of bad character in the service, who can only be acted on by fear, so long will it be impossible to suppress corporal punishment altogether; but every Admiralty has endeavoured, as far as possible, to check the infliction of the punishment and to bring it under control. The Commander-in-Chief has recently established in the army a system of classification. Every soldier who goes into the army is placed in the first class, and is not liable to corporal punishment until he has forfeited his position by a series of misconduct, and is degraded into the second class. The honour of establishing that system is due to his Royal Highness the Duke of Cambridge, and I believe it has been attended with the very best effects. We have copied it in the navy, and since last autumn we have classified the men in such a way that every man who goes into the navy goes in with the certainty that he is not liable to corporal punishment until he has forfeited the privilege by a series of misconduct. This has had the best effect. Do not let Gentlemen run away with the idea that because we have had disturbances in our fleet, that therefore the discipline is gone, and that there is a want of good feeling among the men. I can assure the Committee that there is no general or rooted disinclination to enter the navy; on the contrary, the manner in which it has been recruited during the past year is most extraordinary—nearly 10,000 men have entered—and considering the short time

during which the fleet has been formed, the state of efficiency and discipline into which it has been brought is most creditable to the officers and men. By this Bill we propose that whenever a sailor or marine shall be accused of any offence which will make him liable to corporal punishment, there shall be a preliminary inquiry by one or more officers into the circumstances of the offence. When they have completed their inquiry, it will be their duty to report to the commanding officer, who will either confirm their finding, or refuse to be guided by it; for we have thought it necessary still to leave in his hands the power of inflicting punishment, although the committee of officers may have reported against it. I am prepared to admit that this is not strictly in accordance with the usage of Courts of justice, but it is impossible to divest the captain of the responsibility attaching to his position; and, besides, we are but legalizing what is the practice in all well-regulated ships. I am positive that the clause will have a beneficial operation, as an officer who may be prone to award corporal punishment will hesitate to take on himself, unless under peculiar circumstances, the responsibility of ordering a man to be flogged when the report of a preliminary inquiry is that the man is innocent:—on the other hand, although the report be that the man is guilty of the offence charged to him, he, the captain, has full power to overrule the opinions of the officer or officers who have conducted the inquiry. The House will perceive that in cases of open mutiny the same undivided and unlimited power which the captain at present possesses is left in his hands. I cannot resist the pleasure of reading to the House certain statistics with regard to corporal punishment which I have been at some trouble to procure, as they show that year by year this degrading punishment is decreasing in a steady ratio, and is gradually dying out of the service. I am positive that the necessity for its continuance will even more rapidly diminish if the House will continue, as it has hitherto done, to support the Government in its efforts for the maintenance of discipline, and for the improvement of the service by the training of a large number of boys, who, having entered at an early age, become attached to the service, and in the great majority of instances turn out skilful and valuable seamen. In 1856, we had in the navy 55,000 men liable to corporal pun-

ishment—by which I mean under the rank of petty officers—and of these 1,397 were flogged, being in the proportion of 1 in 39. In 1857, the proportion of those flogged was 1 man in every 42; in 1858, out of 64,000 men liable to this punishment 951 were flogged, or in the proportion of 1 in 48; and in 1859, with 64,000 men liable to corporal punishment, 957 were flogged, being in the proportion of 1 to every 67. The decrease has kept pace with the improved condition of the men, for whom the House of Commons has generously voted better pay, better food, and increased allowances of every description. I have now stated the principal provisions of this most important Bill, and I shall be very glad to receive any suggestion on the details of the several clauses from any of the many eminent Gentlemen who are present, and can with their intimate knowledge of legal jurisprudence give me their assistance in making as full and complete as possible the code of discipline for the government of the navy.

SIR JOHN PAKINGTON: I am not quite sure that my noble and gallant Friend, in proposing the Bill for the discipline of the navy, has quite complied with the discipline of this House; but as you, Sir, have allowed him to enter into a lengthened statement in moving in Committee the 1st Clause of the Bill, I trust that I may be allowed, to some extent, to follow the same course. I listened to the statement of my noble and gallant Friend with the greatest pleasure, and I think it impossible that any observations on such a subject could possibly have been in better tone. My noble and gallant Friend has expressed satisfaction that the opposition which I felt it my duty to offer to the New Zealand Bill led to my presence this evening. Now, I am not one of those who ever indulge in opposition for opposition's sake. It may be my duty to oppose Ministers on general grounds, and it has been my fortune to sit on these benches for the majority of my political life. But, at the same time, I feel that men who are charged with the responsibilities of office are undoubtedly entitled to support from all sides of the House whenever it can legitimately be extended to them. I believe that the present Board of Admiralty, in bringing forward this measure, are only discharging their duty to the country, and are at the same time conferring a great boon on the naval service. One of the subjects dealt with in this Bill, to which

when in office I gave considerable attention, is the constitution of naval courts-martial; and I am extremely glad that the noble Lord also has found leisure to direct his attention to their very defective and inconvenient constitution, with the view of providing a remedy. The noble Lord, I know, pays me the high compliment of supposing that during my fifteen months' tenure of office it was in my power to have remedied all defects whatever; at least, whenever I feel it my duty to touch on any defect, he says, "Why, then, did you not remedy it?" In this case, at least, I have it in my power to show that I did attempt to do so. I had my attention drawn to the inconvenience, and I will go further, and add, to the hardships and injustice consequent on the present constitution of naval courts-martial; and I requested my hon. and gallant and distinguished Friend, Sir Richard Dundas, then, as now, a member of the Board, to give his personal attention to the matter, and to draw up an altered and revised scheme, to be submitted to the Board, for the amendment of our system of naval courts-martial. That gallant and distinguished officer continues to be a Member of the present Board, and I have no doubt that the noble Lord will be able to state that he is much indebted to him for his anxious exertions and for the results of his great experience. I do not think my noble and gallant Friend can, under those circumstances, with justice taunt me with having made no attempt in this direction when in office, while I sincerely trust that henceforward naval officers will not be exposed to those inconveniences and hardships under which they have hitherto laboured in consequence of the action of the old and inadequate system of courts-martial, which it is proposed by the present Bill to amend. I trust that the proposals of the Bill will be found to be satisfactory. Having said thus much, and the details of the measure having been so fully explained by my noble and gallant Friend, I shall not upon this occasion, when it is more in accordance with the rules of the House that we should discuss the proposal of the Government clause by clause, enter at greater length into the subject. I may, however, in conclusion, be permitted to say that, so far as I am acquainted with the details of the Bill, it appears to me the manner in which my noble and gallant Friend, as he explained in a very interesting portion of his speech, means to deal for the future with offences on board ship is extremely

judicious. The statement which he made with respect to corporal punishment I look upon as highly satisfactory, and shall not detain the Committee further than to add that I rejoice the Admiralty have thought proper to grapple with this important subject.

MR. W. WILLIAMS expressed his regret at seeing so important a measure brought forward at so late a period of the Session. He considered the measure to be one of the utmost importance, and demanding the most serious consideration, as it involved the manning of the navy, which was the great defence of the country. He was sorry to find that the Bill provided for so many severe punishments, and that it did not abolish—or that it did not go further to abolish—the punishment of flogging in the navy. The only good he saw in it in that direction was, that the punishment of death could not be carried out without the sanction of the Sovereign. He contended that there ought to be a court-martial held in every case involving a serious charge, and that nothing ought to be left to the discretion of the captain. In France and in America there was not any such punishment as flogging carried out. Formerly that punishment existed in the American navy, but it had been abolished by an Act of Congress. He objected, too, to a majority of the officers determining the guilt of the accused, and thought there should be a unanimity of opinion to constitute a verdict of guilty. He thought, also, that the preliminary inquiry proposed to be established by the Bill, before corporal punishment could be inflicted, afforded no adequate security against the disposition of the captain of the ship. As to excepting cases of mutiny from the ordinary provisions of the law, he thought such a principle highly objectionable; for how difficult was it to define mutiny. He had certainly expected that a measure emanating from the noble Lord would have contained more humane provisions. The noble Lord had given proof of his humanity when in command of a line-of-battle ship in the Baltic. During those two years' service of the noble Lord not a man was flogged. The same could not be said of the noble Lord's successor.

SIR CHARLES NAPIER said, that twenty years had elapsed since he had brought the Articles of War under the consideration of the House. He came there to speak the truth, and he would not hesitate to do so. He must, therefore,

give a most distinct contradiction to the noble Lord's statement, that the discipline of the navy had very much improved. He felt it his duty to state the truth about the matter, distasteful as it might be—the information he had received from many officers was to the effect that the discipline of the navy was very much relaxed indeed. The noble Lord excused those irregularities—disturbances he should not call them—which had taken place of late on board ship; but he could not excuse them at all. They were unexampled. At no time since the conclusion of the last war had there been so many instances of irregularity and insubordination. Drunkenness had increased very much. The drunkenness which had gone on in the *Edinburgh* was perfectly abominable. He had heard that statement from officers of high rank. With respect to the different clauses of this Bill, he would reserve his opinion till they came consecutively under the notice of the Committee. But he must state one thing—that the Admiralty, in bringing forward these new Articles of War, would do more than had been done for years to improve the discipline of the navy. The establishment of different penal punishments would have an excellent effect. He hoped that when courts-martial were ordered on men for desertion, officers would carry out the penal punishment to the full extent, till desertion was entirely done away with. It was perfectly impossible entirely to do away with corporal punishment; no one detested it more than he did, and no one was more anxious to do away with it, but its abolition could only be brought about by establishing proper penal substitutes. He objected, however, entirely to petty officers being subjected to such a punishment, believing that it would destroy in them that feeling of dignity which he considered essential to their position.

Clause *agreed to*.

Clauses 2 to 4 (Misconduct in the Presence of the Enemy) *agreed to*.

Clause 5 (Penalty for Misconduct of Subordinate Officers and Men in Action.)

SIR CHARLES NAPIER moved to strike out the words, "shall suffer death," it being, in his opinion, an unjust and un-Christian-like provision. It was not to be supposed that every man who—if necessity ever arose for impressment—might be pressed into the service, should possess sufficient nerve to be able to fight in an action; and to condemn such a man to

death, would, he thought, be a most unjustifiable proceeding. It was different with officers; if an officer was a coward he should give up his ship—he had no business there. Negligence, however, was a man's voluntary act, and could be avoided, if he chose; yet this, which was, in fact, the greater offence, was visited by a lesser punishment—namely, that of dismissal from the service only.

MR. W. WILLIAMS thought, as it would be difficult to decide whether a man, in abstaining from doing a certain act, was influenced by cowardice, or other motives of a prudential character, that the punishment of death ought not to be retained in this case.

LORD CLARENCE PAGET did not think that a court-martial would pass a sentence of death in such a case of cowardice as that described by the gallant Admiral. He did not, however, see how it would be possible to exclude the words suggested, because the clause ran, "Every Person subject to this Act, and not being a Commanding Officer;" and as the punishment of death for a similar offence was contained in the clause relating to commanding officers, surely the gallant Admiral did not mean that no officers, except commanding officers, should, under any circumstances, suffer death for cowardice.

SIR JOHN PAKINGTON trusted the gallant Admiral would accept the answer of the noble Lord to his objection. In preparing such a code as that under discussion, it was manifestly necessary so to frame it as to meet the extreme cases that could arise; and the clause was manifestly framed with that object. Some reliance ought to be placed upon courts-martial using the powers vested in them under this Act with wisdom and discretion.

Amendment *negatived*. Clause *agreed to*.

Clauses 6, 7, 8 (Communications with the Enemy), *agreed to*.

Clause 9 (Neglect of Duty. Penalty for abandoning Post.)

SIR CHARLES NAPIER said, he was not anxious to increase the severity of punishments, but he thought the penalty awarded in this case was not sufficient. The desertion of a sentry from his post might be attended with the most frightful consequence. For instance, supposing a man stationed at the bowsprit head, or at the cat's-heads, were to desert his post; if the vessel were one of a fleet, it might cause a collision between two line-of-battle ships, and the destruction of some 2,000

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lives. He thought the punishment of death would not be too severe in an extreme case.

SIR JOHN PAKINGTON agreed with the Admiral in thinking that the greatest calamity might follow upon a man deserting his post; and therefore he questioned whether, in an extreme case, the *maximum* punishment should not be retained for such an offence.

SIR FREDERIC SMITH thought the clause ill-drawn; inasmuch as it provided the same punishment for offences of different degrees—sleeping on the watch, and deserting the post; the latter was a far more serious offence than the former.

SIR MICHAEL SEYMOUR was disposed to adhere to the old code in this respect; it provided that this offence should be punished by death, or such other punishment, as the court-martial might determine.

LORD CLARENCE PAGET said, the Committee were not now dealing with the case of a man who deserted his post in face of the enemy. That offence, which he admitted to be a very grave one, was included in the 5th Clause, where the punishment of death was awarded. The present clause was directed against desertion of post, when committed under ordinary circumstances. He thought the punishment severe enough.

SIR JOHN PAKINGTON said, the explanation of the noble Lord was satisfactory to a certain extent; but desertion of post was not mentioned in the 5th Clause; and that fact, coupled with the other fact that it was specifically mentioned in the present clause, might lead to the inference that it was not an offence which was to be punished with death, even when committed in presence of the enemy.

LORD CLARENCE PAGET admitted that desertion of post was not mentioned in the 5th Clause, but he held it was included under the words "any person who shall not do his utmost exertions to carry the orders of his superior officers into execution."

MR. AYRTON doubted whether the 5th Clause referred to offences committed in face of the enemy. The words were "when ordered to prepare for action, or during the action." He suggested that some general words, such as "or shall be guilty of neglect of duty in presence of the enemy," should be added.

LORD CLARENCE PAGET would con-

sider the expediency of introducing those words at a future stage.

Clause agreed to.

Clauses 10 to 16, "Mutiny," agreed to.

Clauses 17 and 18, "Insubordination,"

agreed to.

Clauses 19 to 21 (Desertion and Ab-

sence without Leave) agreed to.

Clause 22 (Penalty for Absence without

Leave).

MR. W. WILLIAMS considered the punishment for this offence very severe. It was "imprisonment for ten weeks with or without hard labour, or such other punishment as the circumstances of the case may require." With regard to the latter alternative a great deal would depend upon the character of the officers who might try the man. The offence also ought to be clearly defined.

SIR CHARLES NAPIER said, the offence of desertion was clear enough without definition. Desertion had got to such a pitch in the British Navy, that it was absolutely necessary some severe punishment should be imposed in order to correct the evil. Now that such a great outcry was made against corporal punishment, he believed that nothing less than penal servitude would deter seamen from deserting, and enable officers to preserve discipline in their ships. He therefore hoped that Government would consent to that punishment being added.

LORD CLARENCE PAGET said, it was proposed to mulct the offender of two days' pay, and, in addition, for every twenty-five hours' absence, of a sum not exceeding six days' pay. That was exclusive of the charge for apprehending the man and bringing him on board. Moreover, by Clause 46, the power of imprisonment gave the Court the power of ordering corporal punishment. These punishments he considered sufficiently severe.

SIR CHARLES NAPIER said, he wished to put a stop to corporal punishment; it would not be necessary. But unless the noble Lord added penal servitude, all the Articles of War and all he was doing would be as nothing. He should, therefore, move that penal servitude be added to this Article.

LORD CLARENCE PAGET said, if the gallant Admiral looked to the 19th Clause, he would see that if a man deserted to the enemy there was power to punish him with death, and if he deserted under other circumstances, then there was power to inflict penal servitude; but this clause

applied merely to the ordinary case of absence without leave.

SIR GEORGE LEWIS said, it was only in accordance with the true principles of legislation to graduate the punishment to the offence. The application to absence without leave of the same punishment as was inflicted for desertion would remove from men who were so absent all inducement not to desert.

SIR CHARLES NAPIER said, the Admiralty must deal with a strong hand in this matter, or else the discipline of the navy could not be maintained. Unless the sailors knew that there was a heavy punishment attached to it, their absence without leave would never be prevented. He knew the sailors well.

SIR GEORGE LEWIS said, sailors were human beings, and they ought to be treated as other offenders were, that was, according to the degree of their offence.

SIR CHARLES NAPIER said, power to inflict penal servitude might be given to the Court without absolutely requiring that in all cases it should be inflicted.

MR. W. WILLIAMS said, he thought the clause as it stood was sufficiently stringent.

Amendment negatived: Clause agreed to.

Clauses 23 to 37, (Miscellaneous Offences), *agreed to.*

Clauses 38, 39, (Offences punishable by ordinary Law.)

Clause 38 *agreed to.*

Clause 39 (Offences when punishable),

MR. AYRTON said, this Bill extended the authority of the naval tribunals over seamen who were for the moment ordinary subjects of Her Majesty—namely, when they were on shore, and beyond the limits of their vessels or the dockyards. That was a serious alteration of the law, and one that ought to be carefully considered. It would enable a captain on a naval station to issue a warrant for bringing back to his ship and subjecting to his summary jurisdiction any seaman who might have committed an offence against any of the resident inhabitants, although such offence was properly cognizable by the civil tribunals. Naval officers were sometimes rather impetuous persons, who were fond of exercising authority, especially abroad, and they ought not to be empowered to supersede the ordinary action of the civil courts. He would propose, therefore, that a proviso should be inserted, declaring that

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nothing in the Bill should be held to prejudice the jurisdiction of the civil tribunals over offences punishable by ordinary law.

LORD CLARENCE PAGET was much obliged to the hon. Member for his suggestion, the value of which he fully recognized, inasmuch as it would make the intention with which the clause was framed much clearer.

MR. AYRTON said, it would, perhaps, be more convenient that he should move the proviso on the bringing up of the Report.

SIR GEORGE LEWIS observed, that a similar question might arise in foreign countries with respect to consular jurisdiction; but if any other than military offences were committed by a sailor on land, of course the tribunals of the country would have jurisdiction.

Clause agreed to.

Part II. Clauses 40 to 44, "General Provisions."

Clauses agreed to.

Part III. Clauses 45 to 49, "Regulations as to Punishments."

Clause 45 (Punishments).

MR. BRADY said, he should like to have some assurance that corporal punishment would be limited to a certain number of stripes, as it was in the army.

LORD CLARENCE PAGET said, he would agree to limit the punishment to 50 lashes.

MR. BERNAL OSBORNE said, that in the army the limit was 48.

MR. W. WILLIAMS understood, that by the existing rule it was limited already to 48 lashes in the navy, but from the mode in which the lashes were laid on, it was much more severe than in the army. It was usual to strike with greater force, and take time between the lashes. He had been told that 50 lashes in the navy were equal to 200 in the army.

SIR CHARLES NAPIER did not see why two more lashes should be added to the 48. It was true, as the hon. Member for Lambeth had said, that the flogging was much more severe in the navy.

Clause agreed to.

Clause 46 (Regulations as to Punishments).

SIR JOHN PAKINGTON suggested, that the term of penal servitude in the navy should be assimilated to that adopted on shore. The *minimum* period proposed by this clause was four years; on land it was three years.

MR. HADFIELD expressed his opinion that severe corporal punishments did not promote discipline, and that public opinion was much against such punishments. In the persons in Yorkshire the "cat" had been abolished, and with advantage. The punishments under this clause included "hard labour," and "corporal punishment might be awarded in addition to any sentence of imprisonment." He understood that there was to be only one flogging for one offence, and he should like to see words to that effect introduced into the Bill. He disapproved of flogging entirely, both in schools and in the military services, and he contended that as the discipline of neither service had been relaxed by the relaxation of corporal punishment, it might safely be dispensed with altogether.

MR. W. WILLIAMS said, that by the clause as it stood, judgment of death might be passed by four officers out of five, if the court-martial consisted only of five, and in other cases by a majority of two-thirds of the officers. He thought that on such occasions the Court ought to be unanimous, as was the principle of the law in respect of civil tribunals, and moved an Amendment to that effect.

LORD CLARENCE PAGET said, it was a mistake to propose, with the most philanthropic views, to strike out this part of the clause, for then the matter would be left as it now stood, and sentence of death might be given by the decision of a bare majority of the Court. It was therefore from motives of humanity that this clause, as he proposed it, required that where the court-martial did not exceed five members, four of them should concur in the judgment of death, or five if the Court consisted of seven. With regard to flogging, the intention of the Admiralty was to check and control it. He was willing to insert a proviso that the *maximum* number of lashes to be awarded by a court-martial should be forty-eight.

Amendment *negatived*.

MR. WHITE thought some reason should be given why in judgments of death a court-martial, like a jury, was not required to be unanimous.

THE ATTORNEY GENERAL said, it had never been a principle in the criminal law of the navy that a court-martial should be unanimous, and it would be a dangerous principle to introduce. All sentences must be confirmed by the Crown, and therefore there was a check upon the decisions of courts-martial.

Proviso, that in any case of corporal punishment the number of lashes to be inflicted shall not exceed forty-eight, inserted.

Clause, as amended, *agreed to*.

Clauses 47 and 48 *agreed to*.

Clause 49 (Authorities having Power to try Offences.)

SIR JAMES GRAHAM: I have hitherto abstained from discussing the clauses of this Bill, as I am very much of the opinion of the right hon. Baronet the Member for Droitwich, that this is a matter upon which professional experience and legal knowledge are the safest guides; and this Bill being brought forward by the Executive, they have no doubt availed themselves of the excellent authorities it is in their power to consult. I have, therefore, refrained from giving any opinion upon the details of this Bill; but having been conversant, in some respects, with naval affairs, and taking a deep interest in the welfare of that noble profession, I, entertaining an opinion upon a portion of this clause, feel it my duty to state that opinion. I need hardly say that as far as my sympathies are concerned they are with those who wish to see the utmost limit placed upon the infliction of corporal punishment. I will not discuss that punishment in the abstract, because the Committee has already adopted the principle, and ratified the opinion that the infliction of that punishment is necessary in the Navy. This clause, however, is a most important one. I think the late Lord Melville and the late Sir George Cockburn did introduce most excellent and salutary checks against the abuse of corporal punishment. It is due to them that corporal punishment, except in cases of mutiny, cannot now be inflicted in hot blood by any officer; twenty-four hours must elapse between the commission of the offence and the infliction of the punishment. There must be a written record in the shape of a warrant signed by the officer commanding, at whose discretion the punishment is inflicted, a copy of which is sent to the Admiralty. The Returns are sent quarterly; and it is one of the most important duties of the Admiralty to revise the lists of punishment. If there be any ground for supposing that punishment has been inflicted unnecessarily, oppressively, or cruelly, the Admiralty calls for an explanation. As a general rule the Admiralty judges most favourably of an officer who shows his command over his crew and whose ship is kept in good order

without the frequent infliction of corporal punishment. But my experience leads me to think that there is a check against the abuse of this power which the Admiralty possess, but which they have not frequently exercised. The Admiralty have the power, if the explanation of the commanding officer be insufficient, to supersede him at once without paying off the ship, although I do not think there is an instance of that power having been lately exercised. The infliction of that summary mark of their displeasure would have a most salutary effect. Saving the non-exercise of that power, I do not think there is any check that is wanting against the abuse of power on the part of the commanding officer. But the 3rd section of this clause does introduce a novelty. The effect of the law as it now stands is to make the commanding officer solely responsible for the infliction of punishment. In many cases he proceeds upon the report of a junior commanding officer, but upon that report he is entitled to exercise his own undivided power. By the clause in this Bill, however, it is not upon the simple report of a junior officer that the commanding officer is to proceed, but it requires that an investigation shall—excepting in cases of mutiny—be made by one or more officers appointed by the commanding officer. I think the effect of this will be found inconsistent with the maintenance of discipline. If a captain with his own eyes sees an offence other than mutiny committed, by this clause he cannot decide upon the matter upon his own judgment and in conformity with what he has seen, but he must delegate an inquiry to his inferior officers. If those inferior officers should be at all disposed to pander to the goodwill of the crew at the expense of the commanding officer, he having come to the opinion that punishment is necessary, those inferior officers may record their opinions against his judgment, and he will have to inflict the punishment upon his own responsibility, and against their recorded opinions. The effect of that will naturally be to destroy his influence over his crew, who will become his enemies and the friends of his inferior officers. But, on the other hand, if these officers, not seeking popularity, are subservient to him, and, even in doubtful cases, recommend the infliction of punishment, the responsibility for the punishment is shared by the inferior officers. This is a question of the highest importance. It may be a most material alteration. At present the power

of the commanding officer is undivided, subject to no responsibility, and if you make this concession once it may have a fatal effect. As I said before, this is a question upon which we must trust a good deal to the Executive. I have the greatest confidence in the judgment, benevolence, and sound discretion of my noble Friend at the head of the Admiralty, who is most fortunate in the Board by whom he is assisted, and the ability and the humanity of the noble Lord below me (Lord C. Paget). The House is able to form a due appreciation of the difficulty; they have the power of bringing the best judgment to bear upon this question; but with my doubts upon this clause I do not think I should have done my duty if I had not raised this question in the presence of the distinguished Admirals who are Members of this House. I confess that my judgment will be materially influenced by what the two gallant Admirals near me shall say on this subject.

SIR CHARLES NAPIER said, he concurred with the right hon. Baronet that the regulations introduced by Lord Melville and Sir George Cockburn were salutary and judicious; but that was not conclusive of the question. If the First Lord of the Admiralty saw that a great number of corporal punishments had been inflicted he would be apt to make inquiry, and to conclude that the captain was an injudicious commander. It did not, however, follow that a ship was in a good state of discipline because few corporal punishments were inflicted. There was a natural feeling on the part of a captain in favour of an officer when the latter made a complaint. His feeling was that discipline must be supported; and if he did not take the part of the officer his men believed he did, and could not be got to believe that justice was done. He considered this clause the most important in the whole Bill. At present the captain was judge, jury, and executioner. At present men often refused to call their witnesses, because they thought it of no use, and they never came forward with the same confidence as at a court-martial. He believed he had first suggested this matter to the Admiralty, and started it in the House. When the complaint was made the captain ought to order a ship's court-martial to assemble, composed of the senior officers of the ship. The president of the court-martial should be the second in command, the witnesses should be sworn, and the inquiry should

be public. There would be a solemnity about the system of court-martial on the open deck which could not accrue while the captain was the only person who could inquire, and in a different manner. He would not trust the officers to adjudge the punishment; their duty would be to find the prisoner guilty or not guilty, and the punishment should be awarded by the captain. He knew there was danger in the alteration, but still he thought it well worthy of a trial. He would never allow the captain to be present at the infliction of corporal punishment. If a man had a thin skin and suffered great pain and agony, the ship's company heard him calling upon the captain for God's sake to forgive him, for he could not bear it, and making use of every supplication; and if the captain were obdurate and carried out the punishment, the crew could not help saying, "What a brute the Captain is to stand by and see a man suffer like that!" Whereas, if the second in command were ordered to be present in the captain's place, the culprit might appeal to him as much as he pleased. The crew would know that the first lieutenant had no power to forgive him, and there would be no feeling that the commanding officer was a brute. It would be one of the greatest boons that could be conferred on the captain if he were forbidden to be present at the infliction of corporal punishment. He approved of the clause and believed it would be satisfactory to the men, officers, and captain.

SIR MICHAEL SEYMOUR asked whether the new system was to be accompanied by any regulations to guide officers in carrying it out? He did not think it would be productive of greater advantage than the system which existed under the Queen's Regulations. In small craft, such as gunboats, where the choice of officers was limited, there would be considerable difficulty in making an inquiry as directed by the clause.

SIR JAMES GRAHAM said, the gallant officer, the Member for Southwark, appeared to contemplate an arrangement quite distinct from that for which the clause provided. The clause as it now stood did not contemplate a court-martial, nor did it provide for any sworn testimony, and, so far from its rendering the decision of the one or more officers, as the case might be, binding on the captain, it left him to act according to his own discretion after they had made their report. An offence might

be committed under the eyes of the captain; in a gale of wind, for instance, he might see a man skulking and not laying out on the yard. Surely he was more competent to judge of such an act than any of his officers, who possibly had not witnessed it, and ought not to be bound to refer it to one or more inferior officers. He decidedly objected to the proposal of the hon. and gallant Officer that, out of consideration to the feelings of the captain, he should be relieved from all attendance while punishment was being inflicted. He thought that the feelings of the captain were altogether secondary to the feelings of the man who was bearing the punishment and of the crew who were looking on. If the severity of the order was to be fixed by the captain, he should be allowed to be present at the punishment, and to retain the merciful dispensation he now possessed if he thought the suffering which the man endured was greater than the crime deserved. He understood the argument of the hon. and gallant Officer to be that the punishment should be delegated to the second in command, so that there might be no appeal to the chief who ordered it, and who, if a witness of a man's agony, might deem it cruel to proceed. That could not, unless he were much mistaken, be the idea entertained by the Admiralty.

SIR JOHN PAKINGTON acknowledged the force and importance of what had been stated very fairly by the right hon. Baronet, whose opinion on such a question was entitled to great weight. He had also listened with attention to the remarks of the gallant Officers the Members for Southwark and Devonport. On the other hand, he could not forget that the proposal in the clause emanated from a Board of Admiralty composed of experienced naval officers, and that it had been proposed to the House by the noble Lord who was himself a very distinguished officer. The right hon. Baronet would concur with him in holding that there were two objects which they ought primarily to keep in view in dealing with this question. The one was to afford to the captain of a ship every possible moral support in discharging his difficult and important duty in regard to punishment; and the other was to hold out to the crew the most ample guarantee that they would be dealt with justly. These objects were no doubt contemplated by the Board of Admiralty when they proposed this change, and would, he believed, be

greatly promoted by the proposal contained in the clause. At the same time he felt the force of the observations which had been made by the gallant Admiral (Sir Michael Seymour) as to the difficulty of instituting an inquiry in very small vessels, and the necessity of providing for a case where an offence was committed under the eyes of the captain. He therefore suggested that, without abandoning the valuable principle involved in the clause, it should be reconsidered as to its details, with the view of correcting them upon the Report.

SIR CHARLES NAPIER, referring to the observations of the right hon. Baronet the Member for Carlisle, put the case of two men sentenced to the same degree of punishment for similar offences, and asked whether it would be right that the one who made a great outcry should be spared, while the other who, with more nerve and spirit, bore his punishment without a murmur, the full measure of his sentence? In former days punishment was ordered by a court-martial, and the officer who was appointed to see it carried out had no power of limiting it. In the army, if the colonel of a regiment saw an offence committed, he could not order the offender to be flogged off-hand, but was obliged to submit the matter, at all events, to a drumhead court-martial. A captain in the navy should be placed in the same position. Sailors ought to enjoy the same privilege as soldiers, of being tried by a regular court-martial, instead of being placed at the mercy of the captain.

MR. W. WILLIAMS thought that if flogging, the abominable, brutal system of flogging, was to be continued, it ought never to be inflicted without a court-martial; and he moved a modification of the clause accordingly.

LORD CLARENCE PAGET freely admitted the very grave difficulty which had been pointed out by the right hon. Baronet the Member for Carlisle, with respect to a commanding officer who saw an offence committed and was naturally the best judge of the amount of punishment. He should be very sorry to take from the captain the least responsibility, because, if they did, there would be an end to the discipline of the ship. But still he believed that if a captain saw such an offence as had been mentioned—a man not laying out the yard as he was told—the proper course would be for him to send for the next officer in command, tell him the circumstance,

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and direct him to inquire whether the captain of the top had given the order, and to let him know what was his opinion of the case. The commander or lieutenant would then ascertain whether the offence had been committed wilfully, or whether the neglect of duty was owing to illness or some other physical cause. The right hon. Baronet had led the Committee to believe that it would be taking away the responsibility of the captain to desire one or more officers to report; but he did not think that it would detract in the least from that responsibility. The officers referred to would merely find the man guilty or innocent, and then it would be for the captain to award the punishment, if he were guilty. Moreover, if the finding of the officers was not correct, the captain had power to overrule it. He was willing to admit that there might be a difficulty if the second officer was a very bad officer, and wished to set aside the authority of the captain and curry-favour with the men; but that would be mutinous conduct on the part of the officer, and he did not know any statutory enactment except the ordeal of a court-martial, which he it remembered it was always in the power of the captain to obtain, and which would be applicable to the case of such a lamentable want of discipline. He thought the clause would very much tend to improve discipline; in fact, would make general that which was now done in every well-regulated ship. There were in the service, as there always had been, captains who did not sufficiently inquire into these matters before-hand, and upon them this would impose a very salutary check. The Committee would also observe that this had reference only to the infliction of corporal punishment summarily—that the captain would still have power to inflict minor punishments, or to bring the offender to court-martial, and that in anything like mutiny the preliminary inquiry was set aside altogether. He did not deny that there was difficulty in the case, but it was his conscientious conviction that the advantages of the provision outweighed the disadvantages.

MR. W. WILLIAMS moved the omission of the end of the clause, in order that a clause might be brought up rendering courts-martial necessary in all cases of corporal punishment.

SIR GEORGE LEWIS thought the proper way was for the hon. Member himself to propose a clause on the Report, and not to ask the Committee now to reject a mitigation of the existing law, which, he ad-

mitted, as far as it went, was an improvement.

MR. AYRTON said, that the proposition of the hon. Member was impracticable. They could not have courts-martial in every vessel to investigate these offences.

Amendment *negatived*.

Clause, as Amended, *agreed to*.

Part IV. Clauses 50 to 59, "*Courts-martial*."

Clause 50 (Constitution of Courts-Martial).

LORD HOTHAM asked how it was intended to carry out the provision for holding courts-martial in cases where there were only two or three ships together on a station?

LORD CLARENCE PAGET said that every commander of a fleet would be enabled to give power to the senior officer of every small squadron which he might send out on detached duty to hold courts-martial.

Clause *agreed to*.

Clauses from 51 to 59 (Proceedings of Courts-Martial) *agreed to*.

Part V. Clauses 60 to 73, "*Penal Servitude and Prisons*."

Clauses 60 to 63 (Penal Servitude) *agreed to*.

Clause 64 (Term and Place of Imprisonment) *agreed to*.

Clauses 65 to 67 *agreed to*.

Clause 68 (Time of Detention in Naval Custody).

SIR JOHN PAKINGTON said, he was glad the Government were taking power by it to establish naval prisons, and he hoped the power would not be a dead letter. He rather thought the noble Lord had spoken a little more favourably of the discipline of the navy than the facts justified.

SIR GEORGE LEWIS said, that the Admiralty had been already in communication with the Home Department in regard to the transfer of prisoners, and the subject had been referred to the inspector of prisons.

MR. HENLEY said, it was a remarkable fact that there was no power reserved for the protection of the prisoners, though all the powers of punishment were carefully preserved. He thought the regulations which affected other prisoners ought to apply to these.

Clause *agreed to*; as were also Clauses 69 to 71.

Clause 72 (Penalty as regards Gaolers, &c).

MR. HENLEY hoped some limit would

be put to the number of the prisoners confined in any particular gaol.

MR. EDWIN JAMES said, that there should be some provision of that sort, and also to give some protection to the prisoner. He thought, too, that there should be words added to protect the gaoler of a gaol, which was crowded, against being liable to a fine of £100 for refusing to take the prisoners in. He moved the insertion of the words "who shall wilfully refuse."

Clause *agreed to*; as was also Clause 73.

Part VI. Clauses 74 to 85, "*Supplemental Provisions*."

Part VII. Clauses 86 to 88, "*Repeal of Acts, and Saving Clause*;" also *Schedule, agreed to*.

House *resumed*.

Bill *reported*, with Amendments; as amended, to be considered *To-morrow*.

ROMAN CATHOLIC CHARITIES BILL.

CONSIDERATION. SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment on Consideration, as amended [9th August]; and which Amendment was, to leave out Clause 1.

Question again proposed, "That Clause 1 stand part of the Bill."

Debate *resumed*.

On Question that Clause 1 stand part of the Bill.

MR. HENNESSY invited the Attorney General to favour the House with his opinion on the Clause.

SIR GEORGE LEWIS: It is so long since the debate was adjourned, that I really cannot undertake to say whether I am at liberty to address the House or not. [*Cries of "Spoke."*]

SIR GEORGE BOWYER then rose, but was met with a cry of "spoke" and "order."

MR. SPEAKER: I beg to remind the hon. Member that he has already spoken in this debate.

Question put.

The House *divided*:—Ayes 70; Noes 13:—Majority 57.

Motion made, and Question proposed, "That the Bill be read the third time *To-morrow*."

MR. HENNESSY begged to observe that, as his name was on the back of the Bill, he wished, in consequence of the decision just arrived at, to disclaim all connection with it. With great respect he expressed the opinion that that clause gave to the Bill all the character of a penal law. The House had agreed to a clause

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in which occurred the phrase "superstitious" as applied to the trusts and uses attached to charities connected with the Roman Catholic Church. That word was used in an Act of Parliament that was as old as the time of Edward VI., and not since then. He was sorry that the House had sanctioned the use of such a word; and he repeated, therefore, that he disclaimed all connection with the Bill.

SIR GEORGE BOWYER: Considering the extraordinary position in which I am placed by the conduct of Her Majesty's Government, I am anxious to offer a few words to the House by way of explanation upon the subject. I now state to the House distinctly that, whilst standing at the bar of the House yesterday, Her Majesty's Attorney General came to me and asked whether I would be satisfied with and acquiesce in the Bill, if the clause moved by the hon. Member for Hertfordshire, and the proviso of the right hon. Gentleman the Member for Kilmarnock were inserted in the place of the 1st Clause as it now stands in the Bill. I acquiesced in the suggestion, and placed the matter in his hands accordingly. I then communicated with various hon. Members on both sides of the House, and informed them what had passed. I told them that I very much preferred the clause of the hon. Member for Hertfordshire to the one contained in the Bill; and several of them, including the right hon. Gentleman the Member for Oxfordshire, expressed their satisfaction that a compromise had been effected, which was likely to settle the matter in an amicable way. I therefore looked with anxiety to the appearance of the Attorney General in the House this day, because I clearly understood that it was his intention to endeavour to carry into effect the arrangement I have mentioned; and I own I was much astonished, when the Bill was called on, to find that the Attorney General did not rise in his place and take the course I had expected. I declare to the House that I was fully convinced by what he said to me, that a compromise had been agreed upon. And, again, I say, that I communicated to various Members that it was so, and told them that the Attorney General had proposed to me to take the clause of the hon. Member for Hertfordshire, and that I fully expected the arrangement would be carried out. I must also declare my thorough disappointment, when I find that the Government have thrown me over at the very

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last moment by voting against me in opposition to the arrangement thus come to. I may now be permitted to state what are the practical objections which I entertain to the clause in the Bill as proposed by the hon. and learned Member for the University of Cambridge. In the first place, that clause gives legislative sanction to the decisions of Courts of Law regarding superstitious uses that have never had a legislative sanction before. It converts into statute law decisions as to superstitious uses which have never come before a Court of Appeal, and which, on any future occasion, might be reconsidered and reversed by such a Court of Appeal. Moreover, the Attorney General has given me his opinion more than once, that the law as to superstitious uses no longer exists; that there is no such law; and that the various statutes which have been passed tolerating and legalising the Roman Catholic religion in this country have rendered valid every part of it. The practice of praying for the dead is a necessary part of the Roman Catholic religion. No Roman Catholic ever uses private devotions without prayers for the dead. No mass is said in any of our churches without prayers for the dead. They are a necessary part of our liturgy, and they cannot be omitted in any mass that is ever said in our churches. True, there are special masses for the dead; but in all our devotions prayers for the dead are included. Therefore, if you declare prayers for the dead to be illegal, you make the whole practice of Roman Catholic worship, both public and private, positively illegal. Now, at this time of day, after Catholic Emancipation and the statutes which admit to a perfect equality all Her Majesty's subjects, whatever may be their religious creed, and allow them entire civil and religious freedom, that surely cannot be the intention of the House. I appeal to the Liberal party opposite. I tell them distinctly that, by voting for this clause, they have voted for the perpetuation of a portion of that system which they are constantly condemning when they talk about civil and religious liberty. This clause is a penal enactment. ["No, no!"] It is a new penal enactment, I repeat, against the Roman Catholics; for what does it provide? Why, it provides this:—That wherever there are prayers for the dead, which are an essential and a necessary part of the Roman Catholic religion, an essential and a necessary part of Catholic worship, both public and private,

that portion of the Catholic worship is by statute declared to be illegal, and the funds applicable to that purpose shall be taken away and devoted to other uses—shall be forfeited and confiscated, and applied to something else. Thus, the legislature puts its seal upon an enactment which stigmatizes as superstitious an essential and a necessary part of the public and private worship of a considerable portion of their fellow subjects. ["No!"] I say that a clause of this description is a disgrace to the Parliament that enacts it. But it is doubly a disgrace to those who talk of civil and religious liberty. Let them say no more about religious liberty; for they have sanctioned a clause which declares to be superstitious that which is a necessary part of the worship of a large section of their fellow subjects. The question is, what is to be done with regard to this enactment. I do not know what may take place in the House of Lords; but I shall propose that there be added to this clause, which has just been approved of, to my deep regret at all events, the proviso of which notice has been given by the right hon. Gentleman the Member for Kilmarnock; and I trust that Her Majesty's Government will consent to its adoption, either as a proviso or a separate clause, if they are not inclined to propose it themselves.

MR. NEWDEGATE: Sir, I deny altogether that the House, in agreeing to this clause, has done anything that is inconsistent with the great doctrine of religious freedom, whilst it has acted in perfect consistency with the prayer of the petition which was presented to the Pope by the lay Roman Catholics of England so early as the year 1839. These same Roman Catholics also petitioned Cardinal Wiseman in 1851, that he would institute such a constitution for them, under the powers granted to him from Rome, as should compound the Canon law of Rome with the statute law of their beloved country. My firm belief is that the Government and the House have acted rightly in accordance with the advice of competent persons like the late Mr. Baines in conceding, after long delay, the prayer of those petitions as presented to the House last Session, and previously enforced by their evidence before the Mortmain Committee. With respect to what the hon. Baronet the Member for Dundalk has said, let not the House be misled. We have not by the decision at which we have arrived precluded or con-

demned prayers for the dead. All that we have done is this:—We have proceeded upon the Common law of England as it has existed for 300 years in declaring that the condition of prayers being said for the dead shall not be attached to the transmission of real estate, because out of the attachment of that condition sprung the necessity for enforcing the laws of mortmain. Therefore, this House, so far from departing from the free and ancient constitution of the country, is acting in thorough conformity with it; and beyond that, in perfect consistency with the well-known statute of provisors which was passed in the reign of Richard the II. For it has been proved before Committees of this House, that the state of the law which the House is now called upon to remedy, led to the practice of taking cases relating to English property to Rome for decision. Even in the days when this country was altogether Roman Catholic, the Legislature acted on the great principle embodied in the great charter. The words are as follows:—"Ecclesia Anglicana Libera sit, et leges suas illæsas habeat." Well, that is all the House has done. And I believe that in so doing it confers an inestimable boon upon the Roman Catholic laity and their charities in this country, acts in accordance with the justifiable and constitutional portion of the prayer of the petition to the Pope of 1839, and of that addressed to Cardinal Wiseman in 1851. So far from departing from the great principles of civil and religious freedom, the Clause now adopted will secure to Roman Catholics freedom from that oppression exercised by a foreign and usurped authority which, in their petitions and in their evidence, they state has been so grievous to them for the last ten years.

THE ATTORNEY GENERAL: Sir, I trust to be permitted to say a few words in answer to the excited speech of the hon. Member for Dundalk. I have taken much trouble in the endeavour to settle this question, and have acted in such a manner as I hoped would have been acceptable to both parties; but, with the ordinary fate of men who try to please all, I find that I have succeeded in pleasing none. When the original clause was brought up, considerable difficulty was felt in accepting it, and in a moment of weakness I undertook to prepare another, and I thought I had done so with the perfect assent and acquiescence of the hon. Member for Dundalk and other Gentlemen who are act-

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ing with him. Accordingly, in my innocence, I rose to propose the clause, but, to my surprise, was violently interrupted by the hon. Member, who said he would have nothing to do with the clause. I therefore very humbly sat down, resigned the matter into his hands, and shortly after walked out of the house. To my great surprise, I subsequently learnt that the House I had left behind me was detained by the hon. Member until four o'clock in the morning. I felt myself relieved from all concern in the Bill; but I could not emancipate myself from the continued importunities of the hon. Member. At length I said to the hon. Member, "If you and those with whom you are acting will deliver yourselves into my hands, I shall be glad to take charge of the Bill." I then received a letter from the hon. Member telling me that he would put the matter into my hands, provided I would undertake to get rid of the 1st Clause as it stands in the Bill. Now, that was an engagement which I did not, and could not, make; and there was no arrangement whatever with the hon. Member that I should do so. I told the hon. Member, with a sincere desire to assist him, that I thought the best plan he could adopt would be to get the clause of the hon. Member for Hertfordshire substituted for the clause as it stands, and to add to that clause the proviso of the right hon. Gentleman the Member for Kilmarnock. That was the best advice I could give him, and that was the full extent of the arrangement; but the anxiety of the hon. Member has induced him to put a more sanguine construction upon the words I used than they were intended to bear. That, then, is the position in which the matter now stands; and if he could have been prevailed upon to substitute the Amendment of the hon. Member for Hertfordshire with the proviso for the clause to which the House has agreed, I should have endeavoured to assist him; but I could not engage to alter the decision of the House, more especially because I have always said that the imaginations by the hon. Member of mischief arising from the existing clause are entirely without foundation. I thoroughly believe that the clause as it now stands in the Bill will not in the smallest degree affect the present position of the law upon the subject of superstitious uses. If the law on the subject has been modified by recent legislation, the modification will still remain. I trust I have placed myself right with the House

The Attorney General

in reference to this question. I am extremely sorry the hon. Member has used the language he has on this occasion. He can only have done so under a feeling of anxiety and agitation, and a forgetfulness of what actually passed between us. But the treatment which I have experienced at the hands of the hon. Member justifies me in refusing to have any further connection with the Bill.

MR. MALINS: The Attorney General has most accurately stated what passed between him and the hon. Member for Dundalk, for I was a party to the conference as we came in at the door of the house; and I say again that the Attorney General has accurately represented what passed on the occasion. I have had many conferences with my hon. Friend the Member for Dundalk also, and in a friendly spirit. I have been sincerely desirous of effecting an amicable arrangement if possible; and I did my best to bring about such an arrangement by the adoption of a clause that would at once secure the object which Parliament has in view, and satisfy my hon. Friend. I have again and again assured him of my unfeigned opinion, in accordance with that which has been expressed by the Attorney General, that the clause which we have just passed will work satisfactorily to my hon. Friend himself if he will only allow his mind to become calm and relieved from the excitement under which it is at present suffering. I venture to say that when Parliament has been prorogued, and he permits himself dispassionately to consider, in conjunction with his friends, the effect of the clause, he will very soon come to the same conclusion that I have, after giving the matter full consideration, that it will work satisfactorily to Parliament, to the country, and to every interest concerned.

MR. MAGUIRE; I move that the debate be now adjourned.

MR. BRADY seconded the Motion.

Motion made, and Question proposed, "That the debate be now adjourned."

MR. HENLEY: Having been alluded to in the course of this discussion by the hon. Member for Dundalk, I may be allowed to state what passed on the occasion of the clause being agreed to by the Committee. I was present in the House when the clause was adopted as I thought with general consent, and I conceived it to be a satisfactory settlement of the question. At least so far as I could understand it, I was perfectly satisfied. But the Bill

itself has passed through many curious phases of lights and shadows, and amongst other things a rumour was circulated that the Government were going to throw out the clause. How the rumour arose, I am sure I do not know; but it certainly went round the House. I considered that to be impossible, however, because I understood the matter had been settled with the assent of the right hon. Gentleman the Home Secretary. I therefore deemed it simply impossible. Still, there was the rumour I have referred to, and everybody heard of it. In the face of that rumour the hon. Member for Hertfordshire put his clause in print; and the hon. Baronet the Member for Dundalk spoke to me upon the subject, and pointed out several objections to the clause in the Bill as it stood. He did not, however, convince me, and I told him that I did not see the force of his objections; but I added that, so far as I was concerned, if the matter was to be again opened, I should be content with the clause of the hon. Member for Hertfordshire. That was all that passed between us. I said that, if the question could be amicably settled on that ground, so far as I was concerned, I should be satisfied. I am better satisfied as the Bill stands, because it is always inconvenient to be doing and undoing. There may be reasons perhaps for undoing in this instance; but I cannot see them myself, and I repeat that I am better pleased with the Bill as it stands.

SIR GEORGE BOWYER: Sir, I trust the House will allow me to say a few words in reference to what has been stated by the hon. and learned Gentleman the Attorney General. He says that I uncourtously put him down, or stopped him, when he was proceeding to address the House. Now, I must be permitted to say that I never intended the slightest discourtesy towards the hon. and learned Gentleman. I remember well what occurred on the occasion. A suggestion was made by me to the Attorney General when he rose to address the House, and the same suggestion was made at the same time by the right hon. Gentleman the Secretary for the Home Department. When the Attorney General got up, I suggested to him that the course which had been agreed upon was to support the first Clause in the Bill as it then and originally stood instead of the clause of the hon. and learned Gentleman. The Attorney General having stated to me that he was perfectly ready to throw

aside his clause, and that he did not care about it, I thought he was ready to agree to the original clause; and all I did, simultaneously with the Home Secretary, was to remind the hon. and learned Gentleman of the arrangement that had been made between us. I was very much surprised, therefore, when upon that suggestion being made by the Home Secretary and myself the hon. and learned Gentleman walked out of the House. I was utterly surprised at his taking any offence. However, he did take offence, and the mischief was done. With regard to what took place between the Attorney General and myself, the hon. and learned Gentleman the Member for Wallingford certainly heard part of it, but not the whole. The Attorney General said to me—"Will you deliver your case up to me entirely," and upon my answering "yes," he said, "Then I advise you to take Mr. Puller's clause and add to it Mr. Bouverie's proviso." I said, "By all means, let it be so. I put the matter in your hands;" and I certainly understood that the hon. and learned Gentleman had undertaken to assist me in carrying that arrangement into effect. If I was mistaken, then I can no longer have any confidence whatever in what passes between man and man, and I am perfectly amazed at the account which he has given the House of the transaction. Moreover, acting upon the proposal of the Attorney General, I went into the Library and copied the clause of the hon. Member for Hertfordshire, to which I adopted the proviso of the right hon. Member for Kilmarnock, and delivered it to the hon. and learned Gentleman expecting that he would come down and propose it. I now find myself thrown over-board by the Government, and I own I am astonished at it, and think myself very ill-used. The hon. and learned Member for Wallingford has talked of my excitement, and speaks as if this were a private Bill which has been brought in for the interest of Sir George Bowyer. It is no such thing. I am intrusted with important public interests. I stand here representing the interests of a large body of Her Majesty's subjects. I stand here as the representative of all the Roman Catholics of England in this instance. [*Cries of "No."*] Yes; I say I do. I have communicated with all sections of them, and I say emphatically that the Bill, in the shape in which it stood before the introduction of the clause of the hon. and learned Member for the University of Cam-

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bridge had the assent of every section of Roman Catholics in the country, and that there is not any portion of the Roman Catholic body, whether clergy or laity, that does not assent to it as it then stood. ["Divide!"] Hon. Members say "divide"—I have a right to speak, and I will speak. I stand here, the representative of a million and a half of Her Majesty's subjects who are Roman Catholics, and I tell you distinctly that it is the opinion of the leading persons among the Catholic body that the clause introduced by the hon. and learned Member for Cambridge University is an injurious and a mischievous clause to them; and they believe, moreover, and I believe, that he introduced it with the intention to injure them. ["Order!"]

MR. SPEAKER: That is unparliamentary and irregular. The observation of the hon. Member that a clause was moved with the intention of doing injury is neither Parliamentary nor regular.

SIR GEORGE BOWYER: When I said injurious to them, I meant that, no doubt the hon. and learned Gentleman thought that by doing injury to the Roman Catholics he would be doing good to the Protestants.

MR. SPEAKER: That is not an explanation which can be satisfactory to the House.

SIR GEORGE BOWYER: I attributed no dishonest intention to the hon. and learned Gentleman.

MR. SPEAKER: I must request the hon. Member to recal the observation.

SIR GEORGE BOWYER: I am quite ready to recall any observation that is either unparliamentary or irregular. What I meant was, that the hon. and learned Member for Cambridge University being opposed to the Roman Catholics, of course thought he was doing good by doing anything which would injure them. I spoke of public, not private grounds. But the clause is considered to be an injurious one to the Roman Catholics. It will expose us to a great deal of litigation and expense. A great many of our charities are very small, and will be swallowed up by these references to Judges and other complicated proceedings in the Court of Chancery. The clause will, therefore, be a serious injury to us. And although the hon. Member for North Warwickshire states that it does not prohibit the use of prayers for the dead, still it does stigmatize as superstitious that observance of the Catholic religion. It casts a stigma upon our worship, and it is

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a penal enactment which confiscates a portion of the property of the Roman Catholic Church which is devoted to that purpose. It only now remains for me to state what course I propose to take. The clause, I have remarked, is insulting, mischievous, and injurious in every possible way, and if it passes into a law, I will not be responsible for it. It is not my Act, but that of the hon. and learned Member for Cambridge University. To his own conscience I leave it entirely, and wash my hands of it altogether. We shall see, however, what is done in "another place." The Bill will go to the House of Lords, and I trust that our case will there receive more justice than it has met with in this House; and that the Catholics of England will be dealt with more fairly by the Members of the Government in the House of Lords than by the Members of the Government in the House of Commons. I repeat that Her Majesty's Government have behaved most unfairly by me. From time to time they have given this Bill a lukewarm support which they had better not have given it, for that support has turned out to be a delusion and a snare—a rotten reed that only stuck into my hand when I endeavoured to rest upon it. I trust that the Catholics of England will remember the manner in which they have been treated by Her Majesty's Government. ["Oh, oh!"] I will venture to say that the Members of the late Government would have behaved in a much more straightforward manner towards us. I am not a party man. I care for neither party, except so far as they do right. I never gave a party vote in this House in my life; but I most honestly say that I have met with more fair dealing on the part of the Earl of Derby's Government than I have from the present; and in this instance, I will not say their duplicity, because I shall be called to order if I do so, but their want of reliability will not be lost upon the Roman Catholics of England. They will remember the way in which they have been treated. They will remember the laughter and jeers that have come from the Treasury bench, when the Member who represented them got up, alone and almost unsupported, to maintain their interests and the interests of their clergy, and the endowments by which their clergy and schools are kept up. They will remember that their case was treated with contempt—["No!"]—and that the Government refused to consider the just claims of that portion of their fellow-subjects who be-

long to the Roman Catholic Church. The Attorney General says that we have no reason to fear any injury from the passing of the Bill in its present shape. Her Majesty's Ministers think they know better than we do what our true interests are. But we have a right to judge for ourselves. You say it is a good clause. We say that it is injurious. Protestant Members have nothing to do with the Bill. It cannot affect them. It affects us only. Why, then, should we not be left to judge for ourselves what we want? This was intended to be a measure of relief. We tell you what we want, and what we consider to be good for our interests. Why, then, insist upon going to the Member for a Protestant University to tell you what is good for the Roman Catholic subjects of Her Majesty? Is that a proper person to judge of what is desirable for the Roman Catholic Church in England? What would hon. Members say if I were to take a strong part with regard to the Ecclesiastical Commission or the Carlisle Canonries Bill, or any other matter which belongs exclusively to the Established Church? I never do so. On the contrary, I always go out of the House when there is a division on a matter exclusively regarding the internal affairs of the Established Church. I consider that it would be alike indelicate and indecent in me to interfere in such matters. I leave Protestants to manage their own affairs, and in like manner I think that the Roman Catholics should be left to manage theirs. If I now consent to appoint a day for the third reading of the Bill, it is under protest against the injury which has been inflicted upon the English Roman Catholics, and in the hope that what has been done in the House of Commons will be reversed in "another place," where I trust justice and equity will prevail more than they have done here, and the Members of the Government will take a course more in accordance with their duty and honour, and better calculated to satisfy the Roman Catholics, whose interests, equally with those of Protestants, are entrusted to their care and keeping.

VISCOUNT PALMERSTON: I cannot allow to pass uncontradicted the charges which the hon. Baronet the Member for Dundalk, whose uncontrollable excitement blinds his mind to facts and reason, has thought fit to bring against Her Majesty's Government. I pardon those false accusations, in consideration of the ungovernable state

of mind which in reality hardly leaves him master, certainly not a responsible master, of his own language. I utterly deny that we have conducted ourselves in any manner which in the slightest degree affords a shadow of ground for those violent vituperations in which he has indulged against the whole of the Government. There has been no breach of faith, no breach of any engagement. We have supported a clause which was unanimously agreed to by the House. In fact, if I mistake not, the hon. Baronet himself voted for it. [Sir GEORGE BOWYER: No, no; I did not.] Then he stood alone in opposition to the clause, which was agreed to without a division. Now the hon. and learned Gentleman complains bitterly that we do not follow, in regard to the provisions of this Bill, the conduct which he says he pursues whenever any measure is proposed that is connected with the English Church. He says that what he does is to go out. I would really ask him in his cooler moments to consider what would have been the fate of this Bill, if every Protestant Member of the House had left when it was under consideration. Why, the result would have been that the House would have been counted out, and the Bill could not have proceeded further. I am sure I feel every sort of consideration for the state of mind which the hon. and learned Gentleman is in; but I beg leave emphatically to deny the accusations which he has thought fit to bring against the Government.

MR. HUTT: My name is on the back of this Bill, and I beg to state that I have every reason to believe that the provisions of the Bill as it now stands are perfectly satisfactory to that large body of Roman Catholics in the north of England who asked me to take charge of the Measure.

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill to be read 3^d To-morrow.

COURT OF CHANCERY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

The Clauses of the Bill having been read and agreed to *seriatim*,

MR. HADFIELD proposed the addition of the following clause:—

"As regards the said John Arthur Buckley and the Chief Clerks to be appointed under this Act, and also as regards the Chief Clerks of all the Judges of the said Court appointed since the 2nd

day of November, 1855, and to be hereafter appointed, it shall be lawful for the Lord Chancellor if he shall so think fit, upon the certificate mentioned in the 44th section of the said Act of the 15th and 16th years of Her Majesty, cap. 80, to order and direct their salaries respectively to be increased to the full amount authorised by such Act at any one period."

THE ATTORNEY GENERAL opposed the clause.

Clause *brought up*, and read 1^o.

Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 38; Noes 32: Majority 6.

Clause *added*.

MR. KINNAIRD then proposed the addition of a clause placing the salary of the twelfth clerk of the Registrars on the same footing as that of the eleventh clerk.

Clause *brought up*, and read 1^o.

SIR JAMES GRAHAM said, he had already pointed out to the Committee that even when cases were brought before the Select Committee he entertained doubts as to the policy of adding such clauses as this to the Bill. One argument upon which he founded that opinion was, that such cases only formed a portion of those which might be brought forward, and it was hardly possible to enter upon them without doing injustice in other instances. In the last case, the claim was made before the Committee and decided against; and as the Government and the House had not supported the decision of the Committee in that case, he could hardly hope that they would refuse to accede to this demand, which had not been before the Committee. All the responsibility of these augmentations would rest with Her Majesty's Government; and he did not think that the course which had been pursued would afford much encouragement to Committees in the zealous discharge of their duties, or would increase the public appreciation of measures of law reform, in which merely personal interests were dealt with.

MR. HADFIELD supported the clause.

MR. MALINS hoped that the House would agree to the clause, which he understood would be supported by the Attorney General.

THE ATTORNEY GENERAL said, he had not promised to support the clause, but had only said that he would not say a word against it. The House must be left to its own decision. He was sorry to have incurred the rebuke of the right hon. Baronet, but he had supported the last claim because he believed that it was only an

accident in the framing of the Act of Parliament which excluded the claimant from a benefit which it was fully intended that he, as well as the other chief clerks, should enjoy.

MR. HENLEY thought it hardly fair either to the parties whose interests were affected or to the House that this matter was not brought before the Select Committee, who could have inquired into it. The case rested now only on a statement made in that House. If the eleventh clerk was to be promoted to the place of the twelfth, was there also to be a thirteenth clerk? Instead of leaving the House to do as it pleased in this matter, the Government ought to form an opinion upon it on its own responsibility.

Motion made and Question put, "That the clause be read a second time."

The Committee *divided*:—Ayes 32; Noes 36: Majority 4.

House *resumed*.

Bill *reported*, with Amendments; as amended, to be considered *To-morrow*.

ECCLESIASTICAL COMMISSION, &c., BILL.—LORDS AMENDMENTS.

First Amendment read.

"Page 3, line 13, after 'allow,' add, 'Provided always, That if a difference of opinion as to the value or sufficiency of the estates which such Committee may propose to leave or to assign to any See shall arise between the Archbishop or Bishop thereof and the said Committee, such difference shall be settled by arbitration before such arrangement as is last mentioned shall be made.'"

MR. BERNAL OSBORNE said, the Amendments which had come down from the other House would have the effect of increasing and perpetuating the powers of the Ecclesiastical Commission. The original objects of the appointment of that Commission were the augmentation of the small livings of the working clergy and the relief of spiritual destitution out of the large incomes of the Bishops in some cases, and out of the estates of the Deans and Chapters in others; yet it was notorious that there had been a great waste of Church property, that large palaces had been erected for the Bishops, and increased salaries given to rich Deans, while, on the other hand, the applications for increased stipends for the working clergy had been in most cases despised or disregarded. One illustration of this was furnished by the Whitby case, which was described in the papers presented to Parliament. And here he must beg a moment's attention from the

Mr. Hadfield

hon. and learned Member for Wallingford, to whom he had listened all day and all night. The incumbent of Whitby applied to the Commissioners for a small augmentation of his living out of the renewal of the tithe rent-charge, and stated that the chancel of his church was positively falling down for want of money to repair it. The late Archbishop of York had, much to his credit, entered into a correspondence with the Commissioners on the subject, from which it appeared that although the parish of Whitby contained, by the last census, a population of more than 12,000 souls, and would require the services of a whole staff of curates, its net income was only £200 a year. The Commissioners, however, when appealed to, replied that they could do nothing in the matter. This was merely one out of a hundred cases which went to show how little the Commissioners had done for the augmentation of poor livings. He came now to the great job of the Session—the increase in the salary of the Dean of York. The House was aware that by Act of Parliament the salaries of the Deans were, with some exceptions, fixed at £1,000 a year. The present Dean of York, who was a most excellent man, and who out of his property had expended large sums for the benefit of his parishioners and in keeping up the buildings, was said by the right hon. Gentleman (Mr. Disraeli) to have been appointed because he was possessed of large property. This reason was accepted; but the Ecclesiastical Commissioners increased his salary to £2,000 a year. No application was made by the Dean for such an increase; he took no part in the matter, and stood fully acquitted; but the increase took place notwithstanding. Now he (Mr. Osborne) wanted to know why no application was made to Parliament. In “another place” a noble Earl (the Earl of Derby) said that had he been at the head of the Government he would never have consented to the increase without consulting Parliament; and yet a Liberal Government had sanctioned this proceeding, which had been carried out by an Order in Council. Was the proceeding a legal one? Would not the correct thing have been to come to Parliament for a declaratory Act? How was it that this irresponsible body had been allowed to take such a step directly in the teeth of Parliament? Some explanation ought to be given by the Government of the part which they had taken in the matter. In the other House Lord Stanley of Alderley,

an excellent man of business, whose appointment to the Post Office he saw with great pleasure, gave notice of an Amendment which Lord Derby said was absolutely necessary, and which he should support. Somehow the Amendment had not come down from the other House, and he would, therefore, take the liberty now of moving it as an addition to the first Amendment of the Lords.

Amendment proposed to the said proposed Amendment, by adding at the end thereof the words,—

“In all cases where any schemes are proposed by the Ecclesiastical Commission by which the incomes of any ecclesiastical dignitaries are altered or increased, the same shall be laid before the Two Houses of Parliament six weeks at least before they are submitted to Her Majesty in Council.”

SIR GEORGE LEWIS apprehended that this Amendment could not be put, the rule being that in altering a Lords' Amendment it was necessary that the alteration of this House should be relevant to the words which were amended. Now, the clause under discussion, related simply to the adjustment of the estates of the Bishops at the avoidance of a See, the amount was taken to be fixed; and if at the avoidance of the See it should be found that the estate assigned to the Bishop gave either too large or too small an income—an income greater or less than the amount fixed by law—then the Ecclesiastical Commissioners were to adjust the amount, and either deduct a portion or augment it. The amount, however, was fixed, and no discretion was left to the Ecclesiastical Commissioners. This Motion, therefore, which implied a discretionary augmentation of the stipends of the Deaneries, had no application to the clause, and could not, he submitted, be put.

MR. KINNAIRD regretted, that though the Motion might be informal, the Home Secretary had not condescended to give some explanation of the affair of the Deanery of York alluded to by the hon. Member for Liskeard. That was a case which, taken in contrast with the case of Whitby, supplied an excellent specimen of the proceedings of the Ecclesiastical Commission. Was it correct that applications had been made for the increase of the stipends of two other Deaneries?

MR. SPEAKER expressed his opinion that the objection of the right hon. Gentleman with respect to the irrelevancy of the Amendment was well founded.

SIR HENRY WILLOUGHBY wished to know who was to pay the expenses of the arbitrations that would be required to settle the value of the estates to be assigned to Sees? He believed that the practice of assigning estates was a very dangerous one, and would entail great expense. The Lords' Amendment appeared to him calculated to aggravate the evil of the existing state of things.

The said Amendment not being consequent upon or relevant to the Amendment made by the Lords, the same was not put from the Chair.

Lords' Amendment *agreed to*.

Another Amendment, page 5, line 38, "leave out from 'income' to the end of the Clause," read.

MR. AYRTON moved that the Amendment be not agreed to. When the Bill left the House of Commons a proviso had been inserted, the object of which was to compel the Commission to fulfil the object for which it was created, namely, the augmentation of small livings, by attending first to local claims upon each property that came into their hands. That proviso had, however, been struck out, and now there was no check left upon the extravagant propensities of high ecclesiastical dignitaries to expend money upon objects to which there was not attached the slightest spiritual idea. There was no need for these large salaries; for they were all familiar with instances in which ecclesiastics had obtained the respect of large communities without being in the receipt of an extravagant income.

SIR GEORGE LEWIS thought the Amendment was unimportant, and might be agreed to. The proviso was introduced in that House without notice, and, in fact, he believed the only difference was that the Commissioners made provision for local claims after the sale of the original lands, while the proviso required them to make provision beforehand, which was almost impossible.

MR. DEEDES agreed that it would be difficult, and indeed practically impossible, to carry on the business of the Commissioners if the proviso struck out by the Lords were restored. A proposal had been made for the augmentation of the salaries of the Deans of Wells and Salisbury, but the Resolution had not been carried. With respect to the case of the incumbent of Whitby, the Ecclesiastical Commissioners were anxious to increase his income; but they were assured by their legal adviser

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that that could not be done. At the expiration of a certain term some property would devolve upon the parish of Whitby, and the incumbent's income would thereby be increased.

MR. WHALLEY believed that the ordinary administration of the Ecclesiastical Commission was very satisfactory.

VISCOUNT PALMERSTON said, it was desirable to afford facilities for the enfranchisement of lands under Church corporations, which could only be effected by a sale to the tenant of the fee simple. It was doubtful whether, without the Lords' Amendment, the Bill would not interfere to prevent those sales, which were the only method of enfranchising Church property.

MR. CRAUFURD wished to know how it was that an Order in Council could supersede an Act of Parliament?

SIR GEORGE LEWIS said, it was not the fact that the increase of the stipend of the Dean of York was inconsistent with the Act of Parliament. The opinion of the counsel consulted by the Commissioners was, that the augmentation was within the letter of the Act. He only doubted whether it was within the spirit.

Question put, "That this House doth agree with the Lords in the said Amendment,

The House *divided*:—Ayes 35; Noes 18; Majority 17.

Remaining Amendments *agreed to*.

House adjourned at
Two o'Clock.

HOUSE OF COMMONS,

Wednesday, August 22, 1860.

MINUTES.] PUBLIC BILLS.—1^o County Surveyors (Ireland); Fisheries (Ireland) (No. 2).
3^o Militia Pay; Metropolitan Police Force (Dockyards) (No. 2); Roman Catholic Charities; Court of Chancery; Party Emblems (Ireland); Debtors and Creditors Act Amendment; Coast of Africa, &c. Act Amendment; Offences within Her Majesty's Possessions Abroad.

AUSTRALIAN POSTAL SERVICE.

QUESTION.

MR. HENNESSY said, he wished to ask the Secretary to the Treasury, when it was the intention of Her Majesty's Government to call for Tenders for the Aus-

tralian Postal Service *viâ* Panama, pursuant to the notice recently issued by the Colonial Office when calling for the Australian Overland Postal Service; and in what state are the negotiations between the Treasury and the Colonial Government of New South Wales as to the proffered subsidy of the latter Colony for a Postal Service so essential as is that *viâ* Panama to the interests of the said Colony, and of New Zealand, Vancouver's Island, and other important portions of Her Majesty's Colonial Dominions?

MR. LAING replied, that he was not aware that there was any intention at that moment of advertising for tenders for the Australian Postal Service *viâ* Panama. There was already a postal service by way of Suez, under a contract to which this country was bound for a term of years. The Panama route could not be substituted for that of Suez under any circumstances, because the advantage of sending overland to Marseilles gave to the Suez route a great superiority over that of Panama. The parties principally interested in the adoption of the Panama route were the colonists of New South Wales, because in that case Sydney would be the first port touched at, whereas by the eastern route Melbourne was first made. He did not conceive that this country would be justified in doubling the amount of its present subsidy for a purely colonial object, or in order to secure a second and a decidedly inferior means of communication. There had been no negotiations on the subject between the Treasury and the Colonial Government; but if the Australian colonists wished to establish a line of their own between Australia and Panama, no doubt the Imperial Government would be quite ready to meet them in a spirit of liberality, and to give them facilities for the conveyance of letters and papers as far as Panama.

THE HIGH SHERIFF OF SURREY.

QUESTION.

MR. BAILLIE COCHRANE: I rise, Sir, to ask the Secretary of State for the Home Department, the question, of which I have given him private notice, respecting my friend Mr. Evelyn, the High Sheriff of Surrey. I wish to know, Whether, taking into consideration the high character of Mr. Evelyn, and the universal respect entertained for him in the county of Surrey, and also the misapprehension under which he issued the placard, desiring the officers

not to close that portion of the Court assigned to the public, in opposition to the commands of the Judge presiding in that Court, the right hon. Gentleman the Home Secretary will advise Her Majesty to be graciously pleased to remit the fine of £500 which has been imposed on Mr. Evelyn.

SIR GEORGE LEWIS: Sir, I have no doubt at all of the high character of Mr. Evelyn, the High Sheriff of Surrey; but I must take the liberty of remarking that if it is his wish to approach Her Majesty with any petition for the remission of the fine imposed on him, the proper mode of making the petition is to address it, in the first instance, to the Home Secretary, and not to ask any friend of his, however respectable, to put a question in this House. Not having received any communication from Mr. Evelyn, and not knowing from his statement that there had been any misapprehension, it is impossible for me to give any opinion whatever as to the advice which I might, in the event of such a petition being presented, tender to Her Majesty on the subject. I will only say that I have seen the handbill which Mr. Evelyn caused to be placarded in the town, and which, I believe, he also caused to be distributed by the Sheriff's Officers in the Court, and it certainly appears to me that that placard was of a highly objectionable nature for a High Sheriff, under the circumstances, to distribute. Until I receive some information which leads me to a different conclusion it seems to me to be clear that the Judges were fully justified in taking serious notice of the proceedings of the High Sheriff.

UNION OF BENEFICES BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 14 (Scheme may provide for Erection of new Church or Parsonage, Removal of old Church or Parsonage, Sale of Site, &c).

MR. DARBY GRIFFITH said, it appeared to him that the public were not aware of the great powers which would be conferred by this Bill, empowering the pulling down of fifty-four churches in the City of London, which were at the present time amongst the greatest ornaments of the City. No one could come up the river without admiring the architectural effect they produced. He must again condemn

the way in which measures of such importance were brought forward at such a late period of the Session, when it was impossible to give them a proper discussion.

MR. CAVENDISH BENTINCK said, he had given notice of a Motion to add, at the end of Clause 14, a proviso to preserve the churches of St. Stephen's, Walbrook; St. Martin, Ludgate; St. Peter, Cornhill; and St. Swithin, Cannon Street; and the towers and steeples of any of the churches within the City of London, and specified in a schedule. When he named these churches he did not mean to imply that these were the only churches in the City which ought to be preserved; and since he had given notice of this Amendment he had received a communication from the Society of British Architects, enclosing him a still further list of those churches which, from the ornaments they were to the City, ought to be preserved. He had mentioned only four churches in his Amendment, believing that the others from their importance in the City would be able to take care of themselves; but he had since ascertained by the statement he had received from the Society of British Architects that many of those churches which he believed would be preserved were to be taken down. Therefore, instead of moving his Amendment, he would ask the Government to give a pledge that none of those churches should be taken down which were enumerated in the memorial of the Society of British Architects.

MR. HUBBARD said, he wished to add to the clause these words,

"And the scheme for the removal of any church or parsonage shall provide for the erection of another church or parsonage within the limits of the Metropolis."

Amendment agreed to.

MR. POTTS said, he would move an Amendment to the effect deferring the sale of the churches until two years after the completion of the scheme for the drainage of the Metropolis, and not even then, unless the populations of the parishes in which the churches were situated have not increased. He was persuaded that the City churches were admirably adapted for the purposes for which they were intended. He had recently attended several, and he had found in some of them fifty or sixty persons, and the churches well cared for, while the little children who attended them ought certainly to be recollected. These buildings had been erected for the service of the Almighty, and unless the Almighty

by some casualty destroyed them he did not think that man had any right to pull them down. Perhaps, when the main drainage scheme was carried out, and the Thames became again a pure and limpid stream, London might become once more a place of residence to those who carried on their business within its limits. Again as the Ecclesiastical Commissioners would in a few years have £60,000 a year from the prebends of Finsbury and Mora, which could be applied to the building and endowment of churches in the vicinity of the Metropolis, it was unnecessary to sell the sites to raise money for that purpose; and he thought they should first try the experiment of taking down the pews and throwing the churches open for a few years. He protested, therefore, against their destruction at this moment. In a matter of such importance there ought to be no undue haste. The House had recently voted a large sum for temporal fortifications, and they ought to remember that spiritual fortifications were still more necessary.

MR. ALDERMAN SIDNEY said, he looked upon the Bill as one of common sense, for the population had left the City of London, and the 109 parishes into which the City was divided were now but a shadow of what they formerly were. In many of the parishes there were neither poor nor poor rates, and in some of them there was no residential population whatever. He therefore thought that, whatever might be said about despoiling the churches, it was competent for the House of Commons to consider whether a great many of the churches in the City had not become useless in consequence of the people having gone to live elsewhere. It was very well to talk of the children attending some of the schools in the City parishes, but they were attended by children whose parents did not reside in the City, and were attracted there from other parishes. He (Alderman Sidney) had resided for twelve months in the City, whilst holding the office of chief magistrate, and having attended the churches every Sunday, he could bear witness to the fact that those churches were very thinly attended for public worship. Therefore, to keep up these edifices, costing thousands a year, with only a few persons attending, he could not but consider as bad legislation, as they ought not to be maintained when they had lost their worshippers. He gave his hearty consent to the Bill, and he hoped the Amendment would be negatived.

Mr. Darby Griffith

MR. EDWIN JAMES supported the Bill, as he believed that the children were attracted to the City schools by little presents which were given them in the churches. He considered that the arguments which had been used against the removal of these churches were altogether untenable.

MR. DARBY GRIFFITH remarked that the Bill should specify the particular churches which were to be taken down, instead of leaving the matter in the hands of some unknown person.

MR. CAVENDISH BENTINCK said, that if he had any voice in the matter, he would have all the pews abolished. They were not only unsightly, but prevented numbers of persons attending the churches. Before the public services commenced at Westminster Abbey the ordinary attendance was but about 200, but as soon as it became known that the best seats were open for the first comers, a wonderful increase took place. No man was a greater opponent of pews than Sir Christopher Wren in an architectural point of view, so that, upon both grounds, he thought they ought to be done away with.

MR. BAILLIE COCHRANE said, he entirely concurred in the opinion stated by the hon. Gentleman who had just addressed the Committee. He wished to see these churches freely thrown open to the people; but he saw no reason for their destruction at a time when it was thought advisable to employ theatres, and other purely secular buildings, for the purposes of Divine worship.

MR. E. P. BOUVERIE said, he must remind the Committee that they were discussing the principle of the Bill, rather than the particular clause. The question upon the principle had been raised upon the last occasion by the hon. and learned Member for Wallingford; and the Committee, by a large majority, had decided in its favour. He could not assent to the Amendment of the hon. Member for Barnstable.

MR. MALINS said, that although upon a former occasion he had divided the Committee upon the principle of the Bill, yet he did not desire to retain all the churches in the City. He did not think the Bill was a good one, as he was of opinion that a settled scheme should be laid before Parliament. However, as the Committee had decided to go on with the Bill, he hoped that his hon. Friends would confine themselves to the discussion of the clause.

MR. JOHN LOCKE observed, that the hon. and learned Gentleman was inconsistent in urging the Committee to go on with the Bill, while he deprecated the absence of any settled scheme. If the Bill passed in its present shape, no one could tell what churches would be pulled down; and he, for one, objected to leaving the matter in that uncertainty. He could not support the Amendment, which was perhaps waggishly intended to defeat the Bill altogether, by deferring its action until two years after the completion of the main drainage scheme—a period most remote and uncertain. Unless some assurance was given as to what churches were to be pulled down, he thought the Committee should reject the clause.

SIR GEORGE LEWIS said, he must congratulate the Committee that there were yet several days of the Session left to discuss the Bill; for it seemed to him that they should not get it through Committee before the end of the next week, at the rate they were going. It would be useless to repeat all the arguments used in the former stages of the Bill with respect to the depopulation of the City, and the removal of the churches. The truth was, that the City was losing its inhabitants; not from the poverty, but the great wealth of the citizens; who wanted every inch of room they could obtain for warehouses and offices, which fetched enormous rents. The consequence was that, at the present day, it would be the greatest possible extravagance to have a large place of residence in the City. In truth, it seemed to him the only objection which might fairly be made to the Bill was, that too many consents were required before a church could be pulled down; and that, in fact, over security was provided. With regard to the Order in Council, his belief was that a *bond fide* discretion would be exercised by the Government with regard to any scheme which might be brought before the Privy Council.

MR. CRAWFORD remarked, that a union of benefices had taken place at York in the time of Edward VI.

MR. EDWIN JAMES said, that taking a common-sense view of the case, there could be no doubt it was high time many of the churches were removed from the City. As for people going miles to attend service in them, he would ask his hon. and learned Friend, the Member for Southwark, whether he had ever walked down from his aristocratic abode in Belgraveia to

attend church at Garlick-hill? The truth was, that the City folks were all devoted to money-getting, and they wanted no churches there. He might say, in the well-known words of Mr. Burke, that "the citizens had made their counting-houses their churches; their desks, their altars; their ledgers, their Bibles; and their money their God." All those who wanted to attend public worship, would, of course, do so in the suburbs where they lived.

Mr. HENLEY did not think it was fair to charge the Committee with re-debating the principle of the Bill. There were two subjects in the Bill—one the union of benefices, and the other the pulling down of churches. Benefices might be united without pulling down churches. There were now about 27,000 seats in the various churches in the City for a resident population of 55,000; and he did not think that was *primâ facie* an unnecessarily large provision. But because the people did not go to those churches, it was proposed to pull them down. He had been much struck by two pamphlets which he had read, referring to this subject; one emanating from Sion College, from which he found there was little consideration for the requirements of the people; but a good deal of consideration was given to the question of patronage and the arrangement of benefices. He thought it was a very questionable proceeding to pull down all these churches. The time might come when they would be again wanted, and they would have no funds to rebuild them.

SIR GEORGE LEWIS observed, that if there was to be a union of benefices at all, some measure must be taken with regard to the churches.

Mr. DANBY SEYMOUR said, he had spent a good part of a Sunday in going through these churches; and his opinion was that the poor would never be induced to enter them as they now were. [Sir GEORGE LEWIS: There are no poor.] If there were no poor in the City of London, there were plenty in its immediate neighbourhood; but they would never enter these grand City churches. In some that he visited, there were a few large square oak pews, stuffed and padded, with magnificent velvet cushions in them. Before these could be reached, there was a grand vestibule to pass through, guarded by a great Bumble—a magnificent-looking fellow, with a cocked hat, and covered with gold and lace. How could any ill-dressed person presume to pass through such impediments and take a seat

Mr. Edwin James

in the church? He thought some effort should be made to adapt these churches to the cases of the poor. Let the fine pews be taken away, fit up a few deal sittings, remove the beadle from the door, and then the poor might be induced to enter. By adapting St. Paul's to the wants of the general public, there was now no difficulty in getting large audiences to attend there. If the churches must be disposed of, why not allow them to be sold by public auction, so that other religious communities might have an opportunity of acquiring, and perhaps filling them?

Mr. POTTS said, he would withdraw his Amendment in favour of any proposition for taking down the pews in the churches, and leaving them open to the admission of the poor.

Mr. HENLEY said, the right hon. Secretary for the Home Department had told them there were no poor in the City of London. Now, he had visited some of these churches since this Bill was introduced, and between Cheapside and Thames Street, while walking from one of them, he had seen plenty of poor people. Not only so, but he saw two street preachers addressing congregations of poor people drawn from the lanes and alleys. He would recommend that the doors be taken off the pews in the churches, and that the beadles should go for Sunday amusement somewhere else; so that no cocked hats might be seen about, and then there would be some chance of getting the poor to attend.

Mr. DARBY GRIFFITH said, no effort seemed ever to have been made to adapt these churches to the use of the poorer classes. Poor persons did not like to be put out of face at church by being brought into neighbourhood with the richer classes, who were better dressed than themselves; but he believed that if the churches were adapted to their condition, they would attend. It would be found that those churches were pulled down the sites of which were most valuable. In fact, the prospect of doing this gave the stimulus to all this movement. The fingers of some people itched to get the funds that would be derived from this Church property; and hence the eagerness to appropriate it to secular purposes, to the neglect of more important considerations.

Amendment, by leave, *withdrawn*.

Question put, "That Clause 14, as amended, stand part of the Bill."

The Committee *divided*: Ayes 38; Noes 26: Majority 12.

Clause *agreed to*, as was also Clause 15.

Clause 16 (Site of Church pulled down not to be sold or let without certain consents).

Mr. DARBY GRIFFITH wished to know what was the intention of the Government with regard to the removal of these remains of mortality. The removal appeared to him to be very loosely provided for.

Mr. HUBBARD said, he also thought there should be some provision against the unnecessary removal of the bodies of persons who had been interred in the City churches.

Mr. HENLEY observed, that some means ought to be adopted for serving the representatives of those who were interred in the churches with notice of the intended removal of their remains.

Mr. E. P. BOUVERIE said, that in many cases it would be very difficult and even impossible to find out who those representatives were. But he would promise to reconsider that subject before the bringing up of the Report.

Clause *ordered to stand part of the Bill*.

Clauses 17 and 18 were also *agreed to*.

Clause 19 (Estates, Property, Liberties, &c. to remain distinct, although Parishes are united, and Vestries to form a joint Vestry for Ecclesiastical Purposes).

Mr. EDWIN JAMES said, this clause provided that,

"Notwithstanding any union of parishes under this Act, the parishes to become united shall, as to all estates and other property, and all rates, taxes, parochial rights, and all privileges, liberties, and respects whatsoever, other than such as are affected by this Act, continue and remain distinct, in the same manner as they were before such union."

There were thirteen parishes in the City of London liable to the payment of tithe under an old statute of Henry VIII. After the great fire of London an Act was passed, in the reign of Charles II., and enforced by subsequent Acts, placing those parishes the churches of which had been destroyed by the fire on a new footing as respected the payment of stipends to the clergy; but there were thirteen parishes which escaped the fire, and these remained liable, under the statute of Henry VIII., to a tax of 2s. 9d. in the pound. This enormous tax of 2s. 9d. in the pound had been obsolete for a great number of years, but it had recently been revived in the parish of St. Martin Outwich, the church of which was situate in Threadneedle Street, the rector of which was the Rev. Mr. Deane. Mr. Deane had a son-in-law, an attorney, who

in 1856 looked into the legal rights of his father-in-law, and the result was, that in December of that year a circular was issued, announcing that in future the rector would levy tithe on the property of the parish under the law of Henry VIII. In the parish there were many large banking and other establishments of enormous value, so that, the Committee would see, the revival of this old charge involved the payment of sums absolutely stupendous. The rector and his predecessors for 70 or 80 years had been in the receipt of £550 a year, but it was now resolved immensely to increase it by the revival of an obsolete charge. He would direct the attention of the Committee to one case in particular—that of the proprietor of the Baltic Coffee House, to whom a circular was sent, which concluded in the following terse language:—

"The simple question between you and the incumbent is, whether you will agree to the liberal terms he proposes—namely, to compound for tithe on the Baltic premises by a payment of 2s. in the pound on £2,500 a year, in lieu of 2s. 9d. on £4,000 a year, or £250 instead of £500, which is the tithe that, in lay hands, would be enforced. We have to state in conclusion that, unless we hear from you in the course of a few days accepting the offer in our letter, and receive a cheque for the amount, we shall consider that you have declined it, and we shall withdraw the same, and enforce payment of £500."

He wished to know whether by this Bill it was meant to continue, with regard to these thirteen parishes, the rent-charge imposed by the Act of Henry VIII., and which had been abrogated in the case of all the other London parishes. If the rent-charge was to be levied on the principle laid down in the Act of Henry VIII., then he gave notice that he would bring up a clause on the Report repealing the statute of Henry VIII. altogether.

Mr. E. P. BOUVERIE said, that the hon. Gentleman would find that in Clause 11 words were inserted to secure the inhabitants of the parishes to which he referred from having an increased rent-charge levied upon them. It was provided that the consent of the vestry must be obtained to the scheme for creating the rent-charge to be paid elsewhere under this Act, and consequently the vestry would have full security for the protection of the interests of the parish in their own hands.

Mr. CRAWFORD said, that as the object of the Bill was to divert the funds, it was desirable to give the parishioners the right to dissent from that part of the scheme. This had been provided for by requiring the

consent of the vestries. He had been told that the parishioners would not assemble together, and that the rector could always secure a preponderance of votes. This, however, was the fault of the vestry.

MR. ALDERMAN SIDNEY remarked that the Committee were greatly indebted to the hon. and learned Gentleman (Mr. E. James), for calling attention to the extraordinary tithe which might be enforced under the statute of Henry VIII. The magistrates were frequently appealed to for relief against the enormous claims of the rectors of these parishes; but the stringency of the law was such that the magistrates were powerless, and could only recommend adjustment or conciliation. If the rector insisted upon his demand the magistrate was bound to commit the parishioner to prison if the demand were not paid, and there could be no release from prison until it was paid. This barbaric power of the rector ought to be annihilated. The Committee ought to receive an assurance that that should be done.

MR. ALDERMAN CUBITT said, he thought no one in the City of London would be content to pay for the support of a church elsewhere than in his own parish.

MR. EDWIN JAMES said, he trusted that the right hon. Gentleman who had charge of the Bill was sincerely opposed to the enormous exaction allowed by the statute of Henry VIII. His object was that the inhabitants of these thirteen parishes should not be compelled to pay more tithe than they had been paying for a number of years, and should come in, *pari passu*, with the inhabitants of the other parishes of the City. At present he would not move any Amendment; but on the next stage of the Bill he would propose a clause which would prevent rectors from enforcing the exaction of 2s. 9d. in the pound.

MR. E. P. BOUVERIE said, he should be glad to confer with his hon. and learned Friend, but he could not ask the House to interfere with the rights of these clergymen and parishes, except in so far as they were affected by the Bill.

MR. HUBBARD said, he hoped that in any arrangement which might be come to nothing would be done to affect the legal incidence of this charge.

SIR JAMES DUKE said, he had raised a good property in Mark-lane where an inferior property formerly stood, and thereupon his tenants had been made to pay an increase of tithe. According to this Bill

Mr. Crawford

the Commissioners seemed compelled to raise the highest legal tithe.

MR. TITE said, that in one parish of the City, in which he had been churchwarden (St. Helen's, Bishopsgate), the stipend of the clergyman was only £20, paid by the lay impropriator, who had purchased the tithe not many years since for £5,000, and drew, as he was informed, £1,000 every year out of the parish for tithes under the Act of Henry VIII., although it appeared he did not take half so much as he was legally entitled to. The tithe of a house of his was raised from 15s. a year to £10 10s. When he told the collector of that gentleman, who was a solicitor, that £10 10s. was a great deal to pay, he replied, "If you were to pay 2s. 9d. in the pound you would pay twice as much." This was, he believed, the fact. He thought that the average income of the last few years might be adopted, whereby this charge of 2s. 9d. would be at all events diminished. The parishioners raised £200 a year in this parish for the clergyman by voluntary contributions; but with such an amount of tithe that burthen hardly seemed reasonable. In an adjoining parish £1,700 was raised by another lay impropriator, and in that parish there had been long-continued and most costly litigation.

MR. MELLOR said, the claim of 2s. 9d. was monstrous. The rectors were not entitled to credit if they had foreborne to exact the full amount. The impost was so monstrous that even a lay impropriator dare not exact it, because he knew that if he did public attention would be called to the matter, and a remedy would be provided by Parliament. He hoped that his right hon. Friend, who was now so much engaged with the Ecclesiastical Commissioners, would bring in a Bill which would limit the impost to the amount which had been actually levied in these parishes during the last four or five years.

Clause agreed to; as were also Clauses 20 to 26.

Clause 27 (Appropriation of Seats in Church of united Parish).

MR. HUBBARD moved to leave out "one-third" and to insert "one-half," so that one-half the sittings should be left unappropriated and free to the poor.

MR. E. P. BOUVERIE said, that the Bill gave a *minimum* of "not less than one-third." Parishioners were very tetchy about their rights to pews, and it would be better to leave the clause as it stood.

MR. HUBBARD said, that the appropriation of seats in a church was very odious, and the want of accommodation for the poor very great. He should insist on his Amendment.

MR. E. P. BOUVERIE said, he was willing to accept the hon. Gentleman's Amendment.

Clause, as amended, *agreed to*.

Clause 28 (Property to be sold to vest in Ecclesiastical Commissioners).

MR. DARBY GRIFFITH moved as an addition to the clause, that all sales under the Act should be by public auction and not by private contract.

MR. E. P. BOUVERIE said, it was desirable that some of the sites should be acquired by public bodies, for the sake of widening streets and other public purposes. It would not always be advantageous that the sale should be by public auction, because if a private speculator, wishing to build upon the ground, bid more than public bodies, the inconvenience arising from narrow streets, &c., would be continued.

MR. HUBBARD said, the Amendment was hardly applicable to the Bill.

Amendment *negatived*.

Clause *agreed to*; as was also Clause 29.

Clause 30 (Act not to interfere with Powers of 1 & 2 *Vict. c. 106*, &c.).

MR. VANCE moved the insertion of a clause to the effect that no scheme contemplated by the Bill should be submitted to the Queen in Council, unless it had been laid two months previously before Parliament. He thought that no church ought to be demolished without due notice to the Legislature and the public generally.

SIR GEORGE LEWIS said, he was under the impression that the clause which was now proposed had been discussed at an early stage of the Bill, and disapproved of. If the Committee thought it was desirable that the Bill should be put in the form of a local Act of Parliament, the whole machinery would have been unnecessary. He did not think any advantage could arise from laying the scheme upon the table of the House, unless it was expected that the House should interfere by means of local legislation. The whole plan and scheme of the Bill proceeded upon the assumption that securities were to be taken for an efficient subordinate legislation, if he might so denominate it. If they relied upon the interference of Parliament, they cleared away a very large portion of the Bill. He strongly advised the Committee not to agree to this clause.

MR. EDWIN JAMES said, there was a great deal of value in the clause proposed by the hon. Member for Dublin. He (Mr. James) entertained very great distrust of the administration of the enormous power which the House was about to commit to the Ecclesiastical Commission, and he thought the clause proposed provided a very proper and necessary safeguard. The parties who drew up the Bill had taken care that the Bishop should have the nomination of three of the parties to prepare this scheme, so that there was an inevitable majority reserved to him. He should cordially support the clause.

MR. VANCE said, his object was to have some check upon the Ecclesiastical Commissioners. A strong opinion had been expressed a few days ago in the House of Lords that upon any occasion for increasing the income of the dignitaries of the Church a statement of the intentions of the Commissioners ought to be first laid before Parliament.

MR. JOHN LOCKE said, he would vote for the clause. The salary of the Dean of York could not have been increased by the Ecclesiastical Commissioners £1,000 a year if they had been obliged to submit to Parliament their unjust proposal to make that increase. Feeling there was not confidence in the Ecclesiastical Commissioners, he thought the scheme should be submitted to the House before they were called upon to sanction it.

MR. MALINS said, the object of the clause proposed by the hon. Member for Dublin was, that the scheme should be first laid before Parliament; and he thought the right hon. Gentleman ought not to object to it. He looked with great jealousy on the proceedings of the Ecclesiastical Commissioners, and he would never be one of the Members to increase their powers.

SIR JAMES GRAHAM said, that he was anxious to state his views on the subject. Although he was a Member of the Ecclesiastical Commission, he certainly could not ask the House to place unlimited confidence in that body. If the Bill passed without the clause now proposed, Parliament would lose all control over the future measures that would be taken for the pulling down of churches in the City. He would not conceal that he was unfriendly to the Bill. He had joined in several votes which, if successful, would have been fatal to its progress. He thought that the clause now proposed would have a most salutary effect. Parliament was not aware what

plan was to be adopted with regard to these churches, how many were to be pulled down, and how many left. It was most reasonable that both Houses should have the opportunity of considering any scheme for the removal of churches in the City, and of expressing their opinions in regard to it. Therefore, as a member of the Ecclesiastical Commission, he hoped his right hon. Friend would not exhibit any jealousy of the intervention of Parliament by opposing the clause.

MR. E. P. BOUVERIE said, he regretted to have to differ from his right hon. Friend, although he had less hesitation in doing so, as from the part he had taken in various divisions, he could not be deemed friendly to the Bill. If it were proposed to give additional power of a substantial nature to the Ecclesiastical Commission he thought the House of Commons might very naturally, after what had lately happened, be disposed to view it with considerable jealousy and to put some check on it. But if his right hon. Friend had read the Bill, he would have seen that the functions of the Commission were to be simply of a ministerial order, and that there were already so many checks and safeguards that it was almost doubtful whether the Bill would not be inoperative. First, the bishop had to appoint a Committee to investigate the case; the Commission made an inquiry and recommended a scheme; the scheme had to be submitted to the patrons, the bishop and the vestry, and then to the Queen in Council, the Ecclesiastical Commission acting merely as the medium of communication between the various parties. The House was very jealous of the Ecclesiastical Commission, and with some reason, as far as certain past transactions were concerned. But in the present instance he could not see what object would be obtained by laying the scheme before Parliament. He could understand a proposal to submit it to Parliament in the manner of a turnpike scheme, embodied in a Bill; but what would be the use of merely laying it on the table of the two Houses? The only effect would be that some hon. Member might move an Address to the Crown not to carry out the scheme. He did not think that a scheme of that kind, affecting some half-a-dozen parishes in the City, would be a fit subject for an Address to the Queen. He held that it would be much better for the interests of all concerned that the arrangement should be made by the parish, the bishop, and the

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patrons, than that it should be left to the catch vote of the House of Commons. The House was overwhelmed with business already, and yet was constantly wanting more. They had at present infinitely more work to do than they could dispose of in a proper manner. It was not a matter of great importance, but he preferred the Bill as it stood.

MR. EDWIN JAMES said, he wished to know whether the right hon. Gentleman agreed to the clause or not. He observed that the right hon. Gentleman, whenever he was at a loss for an argument, declared that hon. Members had not read his Bill. He had read it himself and believed other hon. Members had also. The right hon. Gentleman told them the only thing that could be done with regard to the scheme when laid on the table, would be that some one would move an Address to the Crown not to proceed with it. He believed that it was by no means improbable, that that would be the course adopted in regard to the very first scheme of the kind. The right hon. Gentleman spoke of the danger of trusting such a matter to the "catch" vote of the House, whatever that might mean; and pointed to the consideration of the matter by the vestry as an important check to any abuse. But might there not be a "catch" vote in the vestry as well as in the House? Surely more reliance could be placed on the two Houses of Parliament than on a Garlick Hill vestry, composed of two or three bakers and a few common-councilmen.

MR. HENLEY remarked, that the principle of the clause was no novelty. It had worked very well in the case of the Enclosure Commission. People took much more pains with their work when they knew it would be submitted to the jealous eye of Parliament. He hoped the clause would be agreed to.

MR. BUTT remarked, that even the rules for the regulation of practice in the Court of Chancery had to be laid before Parliament; and, therefore, if Parliament refused to trust the Lord Chancellor with the power of making rules for his own court, he thought the House should not put entire faith in a parish vestry.

SIR GEORGE LEWIS apprehended that the schemes proposed by the Enclosure Commissioners did not form a case in point, as they were appended to Bills which had to pass both Houses. All that was now proposed was that the scheme should be laid on the table, so that, unless there was

an Address to the Crown or any extraordinary interference, the powers of the Act would proceed as a matter of course. He did not think any great advantage would be derived from the clause, but as there appeared to be a general feeling in its favour he would not oppose it.

MR. NEWDEGATE said, he wished for a moment to advert to the Bill which had been brought in many years ago for the abolition of "peculiar," as he was aware of a case in which that Act had caused considerable hardship. He referred to a parish in the county of Middlesex, containing 1,500 people, which was left totally unprovided for except by the payment of £23 to a clergyman, and there was no parsonage house. The parish was first of all stripped of its revenues and its rights, and then all redress to it was refused by the Ecclesiastical Commissioners.

MR. E. P. BOUVERIE consented to the clause in deference to the wish of the House, although he retained his opinion that the Bill would be better without it.

Clause added to the Bill.

On the Preamble,

MR. HENLEY moved the insertion of certain words, to the effect that whereas the church accommodation in the City of London was too large for the requirements of the inhabitants, there being one clergyman to every 100 parishioners, and whereas the attendance in the churches was limited, it was necessary to pull down the churches, disinter the dead, and apply consecrated ground to secular purposes.

SIR GEORGE LEWIS said, that formerly the preamble of a Bill was often longer than the Bill itself, but he believed it was better to adhere to the modern practice of making the preamble as brief and formal as possible.

MR. HENLEY said, he only wished to put his own views on record.

Amendment *negatived*.

Preamble *agreed to*.

House resumed.

Bill reported, with Amendments; as amended, to be considered *To-morrow*, and to be printed. [Bill 332.]

METROPOLIS LOCAL MANAGEMENT

ACT AMENDMENT BILL.

CONSIDERATION—ADJOURNED DEBATE.

Order for resuming Adjourned Debate on Consideration, as amended [2nd August], read.

MR. TITE said, that he rose to move that the order for the consideration of the Bill be read in order to be discharged. Although the opposition to the Bill had assumed a different form since the early stages, it was still such as to render it impossible for him to proceed with the measure successfully at that period of the Session. He felt that it would be more becoming to withdraw the Bill at once than to enter on an ineffectual struggle. The object of the Bill was simply to apportion the assessment of the rate for certain works in the various parishes in proportion to the benefit derived by each. Before the Act constituting the Metropolitan Board passed in 1855, former Commissioners of Sewers had borrowed money to the amount of £300,000. This money had been spent in making sewers in different districts or levels, and the duty of making rates and collecting this money was cast upon the Board. By the Act of 1855, the apportionment of this debt appeared to the Board to be unreasonable, and they brought in the present Bill to change that apportionment—they also proposed to pay £50,000 of their debt of £300,000 out of the main drainage rate, as it applied to sewers now forming part of that great system. The Metropolitan Board had no interest in the matter, save to do justice to all parties concerned. He (Mr. Tite) had originally brought in this Bill in August 1859. In this year it had been referred to a Select Committee, and the Bill itself was so little objected to, that in the Committee in the House only one clause was altered, and though it was three weeks before it was considered in Committee, there was not a single Amendment proposed to any clause in it. The Bill had been fifteen days before the Select Committee, and the expenses were at least £15,000. The opposition to the Bill at this moment was to obtain a reversal of the decisions of the Select Committee, and in point of fact, to rediscuss the whole matter. For this there was no time, and therefore he withdrew the Bill. He had to return his thanks to the right hon. Member for Bury, Chairman of the Select Committee, for the attention he had given to the subject; and he had himself endeavoured to do his best in order to give the Board an opportunity of standing well with the House on the occasion of the introduction of a similar Bill in the next Session. He (Mr. Tite) concluded by saying that in "another place" the Metropolitan Board had been charac-

terized as an oppressive Board. But that was at once disproved by the fact, that the Board consisted of forty-five members chosen by thirty-seven vestries and district boards, and therefore if they oppressed any one it must be themselves. But they were compelled by the Legislature to levy and assess rates amounting to not less than from £300,000 to £400,000 per annum; and therefore it was not very easy to please all those who had to pay this enormous amount of taxation. He now moved that the Order be read and discharged.

After a few words from Mr. BRADY and Mr. SHERIDAN expressing their satisfaction at the course taken by the hon. Member for Bath,

Order discharged. Bill withdrawn.

ENDOWED CHARITIES BILL.

CONSIDERATION.

Order for Consideration read.

Mr. AYRTON moved a Clause providing for the payment to official trustees of charitable funds such salaries, not exceeding an annual sum of £200 each, not exceeding in the whole 6*d.* in the pound of the annual income of the charitable funds received by the said trustees as should from time to time be allowed by the Commissioners of the Treasury.

Clause brought up and read 1^o.

Motion made and Question proposed, "That the said Clause be now read a second time."

Mr. NEWDEGATE considered that if they added to the labours of the secretary his salary ought also to be increased.

Mr. LOWE said, that since the day before he had put himself in communication with the Charity Commission, in order to ascertain how the clause of which the hon. Member for the Tower Hamlets had given notice, would work. There were, he found, in the hands of the official trustees of charities stock of various descriptions, amounting in the whole to £740,000. That stock was increasing, on the average, at the rate of £21,000 a year. It was invested in sums of every variety of amount, ascending from £8 6*s.* 8*d.* to £12,000. The dividends were equally varied in amount, from 2*s.* 6*d.* upwards. A great part of that money was paid into the hands of the official trustees, either by order of the Court of Chancery or of the County Courts. It was not a fund that the trustees could retain compulsorily in hand, although substantially it was at their disposal. The

Mr. Tite

clause before the House required that an assessment not to exceed 6*d.* in the pound should be made on those stocks, out of which not more than £200 a year should be paid to each of the official trustees. Now, there were many difficulties in the operation of that provision. There were 1,628 different charities, each of them involving incomes of very different amounts. It would, therefore, be a very difficult matter to fix the amount of the assessment, and to apportion it among the numerous charities. It must be borne in mind, also, that the fund was constantly fluctuating. It was being added to at the rate of £21,000 a year, and sums were always being paid out for investments in land and other purposes. At what moment, then, was the calculation to be made? Was it to be made on sums which remained only for a day or for a year? Again, how was the surplus to be dealt with? It was impossible, in a fluctuating fund of this kind, to get the exact amount of surplus. The greatest difficulty of all, however, remained behind. The fund was of a voluntary character. It was not one which the official trustees could retain against the will of those who placed it in their hands; and it had been created under the express assurance that no deduction should be made from it whatever, and that the management should be gratuitous. Of course it was in the power of Parliament to alter that, but if a tax of 2½ per cent, which appeared to him a serious amount in the case of small charities, were placed on it, in all probability a considerable portion of the fund would be withdrawn. And the more that was withdrawn the heavier would be the pressure, up to the limit of 6*d.* in the pound on that which was left. He had no wish to influence the Vote of the Committee, but he would suggest that, as the Chancellor of the Exchequer had announced his intention of revising the whole subject, he suggested that it would be better to let it stand over till next Session.

Mr. AYRTON said, that they were all agreed on the previous day that the trustees should not be paid by salary granted out of the public revenue. If, however, the right hon. Gentleman in his official capacity, said that the clause which he proposed was not workable, it was not for him to press it. They were told that a scheme for the payment of these officers would be proposed next Session, and, for the sake of saving six months, it was not desirable

to begin a system which they could not at present complete. He should not, therefore, persist in pressing the clause on the House.

MR. MALINS said, he hoped that the services of the trustees in the interim would be considered, as the House had affirmed the principle that they should be paid.

Motion, by leave, *withdrawn*.

Clause *withdrawn*.

Amendments made.

Bill to be read 3^d *To-morrow*.

ROMAN CATHOLIC CHARITIES BILL.

THIRD READING.

Order for Third Reading read.

MR. BUTT said, he had given notice for the re-commitment of this Bill; and he would say a few words in support of the course he proposed to take, but would not press it, unless the House agreed to it. What took place last night would be in the recollection of the House when the Bill came on to be considered as amended. Now he felt sure that a Protestant House of Commons, a House consisting of a majority of Protestant Members, would feel very tender in dealing with any scruples entertained by Roman Catholic Members. The Bill had been introduced by the hon. and learned Member for Dundalk (Sir George Bowyer) as a relief for Roman Catholics. But the hon. and learned Member now believed that the 1st Clause, as amended, instead of being a measure of relief for Roman Catholics, had been turned into a penal clause against them. That he believed on two grounds; first, that whereas several Courts of inferior jurisdiction in Ireland had held that no change had been effected of late years in the law of superstitious uses, the Bill proposed to give legislative sanction to such decisions, although they had not yet been confirmed by the highest judicial tribunal. [Sir GEORGE BOWYER: Hear, hear!] The hon. and learned Baronet also said that the clause as it stood would oblige litigation in the case of every Roman Catholic charity. To some little extent he shared those apprehensions, but he must say he thought the hon. and learned Baronet had been placed in this difficulty by misunderstanding the spirit and feeling of the Government and of the majority of the House, who were ready to do everything to meet fairly the wishes of the Roman Catholics. The misunderstanding which had occurred

was, however, no reason for doing injustice to the great mass of the Roman Catholic people, and he thought it worth while to retrace their steps, and, in order to avoid that injustice, to adopt a clause proposed by the hon. Member for Hertfordshire, which he believed would have been accepted by the hon. and learned Member for Dundalk, and acceded to by the Attorney General. In his opinion the time was come when they might safely give up the law of superstitious uses, which pressed hardly on Roman Catholics, and leave gentlemen of that persuasion to dispose of their property for charitable purposes as they pleased, subject, of course, to the law of mortmain and other limits to which Protestants were subject. It was said that this was a question between the Roman Catholic laity and the hierarchy; but he maintained that there would be sufficient independence among the Catholic laity to resent and resist any encroachment on their liberty by the hierarchy without the necessity of a Protestant House of Commons interfering between them. With these feelings and views he moved that the order for the third reading be discharged.

Motion made, and Question proposed, "That the said Order be discharged."

SIR GEORGE LEWIS: I believe the recognized and orthodox number of courses usually presented to the House of Commons is three; but, with regard to this clause, looking back to what has taken place in Committee, I think some six or seven have been proposed; and the hon. and learned Gentleman presents us with two more courses, because he has given notice of one Amendment, and has spoken of another and quite a different one.

MR. BUTT explained that he did not intend to move his proviso, but to move the clause of the hon. Member for Hertfordshire.

SIR GEORGE LEWIS: I quite understand the hon. and learned Gentleman. He has given notice of one Amendment, and he wishes to propose another. I point this out to show the great variety of alternatives which are presented to us. The hon. and learned Gentleman's Amendment on the paper, is to omit part of the clause, and to add a proviso. Now, in his speech he has said nothing about that Amendment, and has referred exclusively to a clause of which my hon. Friend, the Member for Hertfordshire, gave notice on a previous occasion. I confess I do not think that any advantage will be derived

from a proceeding of a very unusual character—that of recommitting this Bill, and attempting to reverse a decision to which we came by a large majority, no longer ago than late last night. I regret extremely that the hon. and learned Baronet, the Member for Dundalk, should think that this is a measure aimed against Roman Catholic charities. After having heard, both in this House and in private conversation, an immense number of arguments upon this Bill; and after having examined it with all the care of which I am competent, I confess I do not believe that his apprehensions are well founded. My belief is, that the clause which stands in the Bill simply reduces into a written form the existing law and practice of the Court of Chancery, and that it will not be found to produce the effects which the hon. and learned Baronet anticipates. If it should produce those effects, I am sure this House will be willing in a future Session to listen to any suggestions which are derived from practical experience. It certainly is not their wish to confiscate the property of Roman Catholic charities, or to interfere in any undue manner with them. The House will remember that this Bill is intended to put an end to a provisional state of things. Every one admits that the annual suspension of the law cannot be continued. This Bill places Roman Catholic charities under a permanent state of legislation. That legislation is exceptional in its nature. As far as it goes, it relieves Roman Catholic charities from many of the provisions of the existing law. It is, therefore, an entire mistake to represent this as a penal Act against Roman Catholic charities. It is a very intricate subject, and I am bound to say it has been discussed in this House by hon. Gentlemen whose minds seemed in a state of incandescence. I must say that Gentlemen who represent extreme Protestant opinions, appear to me as remote from the influence of reason, as Gentlemen who represent extreme Catholic opinions; and those whose unhappy fate it has been to attempt to mediate between these two extremes, have found themselves, as my hon. and learned Friend the Attorney General will bear witness, in no very enviable position. I think that if this Bill is allowed to pass, it will place Roman Catholic charities in an intelligible and perfectly secure condition; and if the persons concerned find that any slight inconvenience is created, I am satisfied the House of Commons will always be ready to

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give these complaints fair and patient attention.

MR. HENNESSY said, it gave him great pleasure as a Catholic Gentleman to thank the Attorney General for the great time and labour which he had devoted to the subject.

SIR GEORGE BOWYER said, he felt that a few words were due from him upon the subject. He spoke yesterday with what some hon. Members called "excitement." He certainly was excited very much by the importance of the subject, and the responsibility which he felt weighed upon him. He decidedly understood the arrangement between the Attorney General and himself as he had stated it last night. He would not go into that question, but if in the heat of argument he said anything in any manner to wound the feelings of the Attorney General or any person whatsoever, he regretted it. He was sure the House would be ready to acknowledge that whatever he did say, he said with a good motive—desiring to serve to the best of his ability the interests of those who had placed their interests in his hands. If he exhibited warmth upon the subject it was because he felt warmly, and because he felt he could not discharge the duty he had to perform without throwing his whole soul into it, and using all the energy which he could command.

VISCOUNT PALMERSTON: I am sure many of those who would have felt, under other circumstances, that expressions of the hon. and learned Baronet were such as to cause offence, must have been convinced, from the invariable courtesy which he displays, and the extreme good nature with which he usually treats every subject, that they were exceptional and arose from excitement, which was not unnatural under the circumstances which he has explained, I am quite sure the Attorney General and other Members of the Government will feel that nothing unkind was intended. I think the House will do best to maintain the decision to which they came by a large majority yesterday. It appears from legal opinions expressed on this and the other side of the House, that this Bill actually protects the interests of these Catholic charities—that it prevents their being made the subject of particular restrictions, and at the same time secures the application of the funds to the objects which the donors intended.

THE ATTORNEY GENERAL said, that nothing which had passed would at all

diminish the friendship between himself and the hon. and learned Member for Dundalk.

MR. VINCENT SCULLY remarked that the House would do much better if the Protestant portion of it interfered less with matters which exclusively concerned the Roman Catholics.

MR. BUTT said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

Bill read 3^d, and *passed*.

CHURCH TEMPORALITIES (IRELAND)
ACTS AMENDMENT BILL.
COMMITTEE.

Order for Committee read.

MR. VANCE, referring to the several clauses and provisions of the Bill said, he had many objections to the measure. He considered it also a very objectionable feature that it gave to the Commissioners power to increase the income of the small livings at their pleasure, and it treated the augmentation of benefices as of the same importance as the maintenance of the fabrics of the Church. This was an innovation on the settlement that had been made, and which ought to be faithfully adhered to. But what he chiefly wished to direct the attention of the Committee to was the miserable stipends of the clerks to the Irish Ecclesiastical Commission, and the refusal of the ecclesiastical members to increase them, on the ground that many curates had less. He maintained that, as curates might become bishops, the parallel did not apply, and that the clerks were entitled to a gradual increase, according to the length of their service. The average income of first-class clerks in the public service was £374 a year; of the same class clerks in the English Ecclesiastical Commission, £350 to £500 a year; and of the same class clerks in the Irish Ecclesiastical Commission, only £120 a year. There was the same disproportion in the other classes. He had, therefore, given notice of an Amendment which would enable their salaries to be regulated in the same way as the salaries of similar officers under the Ecclesiastical Commissioners in England.

House in Committee.

Clause 1 (Ecclesiastical Commissioners to be appointed).

MR. CARDWELL said, his hon. Friend the Member for Chichester (Mr. Freeland) had given notice of his intention to propose

Amendments which would effect changes in the constitution of the Commission materially different from those which were proposed in the Bill. He thought, however, that at so late a period of the Session the House would not be inclined to enter into a discussion on the best mode of re-organizing the Commission, and he had therefore made an arrangement with his hon. Friend that he should withdraw his plan for re-organizing the Commission, and that he (Mr. Cardwell) should propose to strike out Clauses 1, 2, 3, 5, 7, and 8 in the Bill which he had himself introduced for a similar purpose.

Clauses 1, 2, 3 *struck out*.

Clause 4 *agreed to*.

Clauses 5 to 8 *struck out*.

Clauses 9 to 30 inclusive *agreed to*.

Clause 31 (Powers, &c., of Acts herein recited, extended to leases of Lands, &c. in which Ecclesiastical Commissioners for Ireland are interested).

MR. CARDWELL said, that by the existing law the tenant of a Corporation sole in Ireland was enabled to obtain a renewal on certain terms, but not when the estate had been transferred to the Ecclesiastical Commission, which was a corporation aggregate. The 31st Clause had been intended to give the same statutory right of renewal in the latter case, but as some parties interested in it had petitioned against the change, it did not appear desirable to persist in it now.

MR. LEFROY said, he thought he should fail in his duty if he opposed the course proposed by the right hon. Gentleman.

Clause *struck out*.

Clauses 32 to 37 inclusive were then *agreed to*.

MR. VANCE proposed a clause providing that the amount of the salaries of the secretary, treasurer, and other subordinate officer or officers should from time to time be regulated by the Lord High Treasurer, or the Lords Commissioners of Her Majesty's Treasury, or any three or more of them.

MR. CARDWELL said, he hoped the hon. Gentleman would not persevere in his Motion, as it was intended that in parishes where Protestants were few they might be at liberty to hire other buildings for the celebration of Divine service. In that way the Commissioners would have a larger fund at their disposal for the augmentation of small livings.

COLONEL DUNNE said, he felt satisfied that the clerks of the Commission were

underpaid, but he preferred that the question should be left in the hands of the Commissioners.

SIR EDWARD GROGAN strongly urged the inadequacy of the clerks' salaries, which he believed would only be remedied by this House taking the matter into their own hands. Complaints had been made to the Lord Lieutenant and the Commissioners, but entirely without success.

MR. CARDWELL said, he quite admitted that the worst possible policy was to underpay their servants, but he hoped it would be left in the hands of the Commissioners.

MR. LEFROY also urged that the matter should be left in the hands of the Commissioners, who, he had no doubt, would be stimulated by this discussion.

MR. HENLEY said, the Ecclesiastical Commissioners were the most unfortunate persons in the world. A few nights ago there had been a run against the English Commissioners for paying too large salaries, and now, at the other side of the Channel, they were found fault with for underpaying their clerks. He thought it was a matter with which the House had as little to do as with the salaries of railway officials.

Motion withdrawn.

MR. FREELAND said, that in assenting to the arrangement referred to by his right hon. Friend, that the clauses in the Bill and his (Mr. Freeland's) proposed Amendments for re-organizing the Commission should be withdrawn, he wished it to be understood that he did not thereby preclude himself from raising any questions as to the re-organization of the Commission at a future day. He wished also to state that in the proposals he had made he did not intend anything disrespectful to the Irish Prelates. He was acquainted with one of them—Dr. Knox, the Bishop of Down and Connor—and had often talked over with him matters relating to the English Ecclesiastical Commission. A more fair and impartial man he had never met. His only fear was, that if the proposals in the Bill were carried out and all the Bishops were placed on the Commission, the ecclesiastical element would unduly preponderate, and that the measure would not work satisfactorily. He then proposed the following clause, the object of which he said was to enable the Crown to appoint a second lay Commissioner without imposing the burthen of an additional salary on the funds which were now available for Church purposes.

Colonel Dunne

Of late years, much to the credit of several Governments, only one paid Commissioner had been appointed by the Crown, but he (Mr. Freeland) thought it important that the proportion of the lay element should be kept up, though not at the cost of an additional salary. The hon. Member then proposed the following clauses:—

"If after the passing of this Act Her Majesty or Her successors shall, under the powers of section two of the Act of the third and fourth years of King William the Fourth, chapter thirty-seven, appoint two Ecclesiastical Commissioners, one only of the said Commissioners shall be a paid Commissioner."

"The term Episcopal Commissioner, in section seven of the said Act of the third and fourth years of King William the Fourth, chapter thirty-seven, shall be held to include not only any Archbishop or Bishop acting as an Ecclesiastical Commissioner under the said Act or this Act, but also any Commissioner appointed by the said Lord Primate and Lord Archbishop of Dublin in manner in the said Act or herein provided."

"In any case in which the said Commissioners shall have under consideration matters specially affecting the interests or property of any Bishop, Dean, or Chapter of Ireland, such Commissioners may, if they think fit, request the attendance, at any meeting at which such matters are to be taken into consideration, of any Bishop, Dean, or member or members of a Chapter whose interests or property such matters shall or may affect, and he or they shall be at liberty to attend at any such meeting, and to assist the said Commissioners with information and advice, but shall not vote or, except as aforesaid, take any part in the proceedings of the said Commissioners—"

which were severally agreed to.

House resumed.

Bill reported, with Amendments; as amended, to be considered *To-morrow*.

House adjourned at a quarter to Six o'clock.

HOUSE OF LORDS,

Thursday, August 23, 1860.

MINUTES.] PUBLIC BILLS—1^a Consolidated Fund (Appropriation); Exchequer Bonds or Bills (£2,000,000); Militia Pay; Roman Catholic Charities.

2^a East India Loan; Spirit Duties.

3^a Excise Duties.

CONJUGAL RIGHTS (SCOTLAND) BILL.

COMMONS' AMENDMENTS CONSIDERED.

Commons Amendments *considered* (according to Order.)

THE LORD CHANCELLOR said, that notwithstanding his great disinclination at

all times to oppose Amendments which the Commons might propose in Bills sent down to them, he deemed it his duty to advise their Lordships to disagree with the alleged Amendments in this Bill. Those Amendments consisted in altogether omitting two clauses from the Bill, which constituted the life and substance of the measure. One was, that a divorce, *à vinculo matrimonii*, pronounced by a Court in Scotland should have force and validity all over the dominions of Her Majesty. At present, if a marriage was celebrated in England, and the divorce took place in Scotland, the divorce had full operation in Scotland, but none in England; and the parties still remained husband and wife on one side of the Tweed, though they were separated on the other. On the north side the Tweed, they might lawfully marry again, and their children would be legitimate in Scotland; in England the second marriage would be bigamy, and their children bastards. That was an anomaly most inconvenient, most mischievous, and most disreputable to the law of the United Kingdom. The clause to which he referred, provided that when a sentence of divorce was duly pronounced, proper caution being taken to guard against collusion or fraud, it should be operative all over the world. To introduce that enactment, there was a previous clause which protected the Scotch Courts against collusion and fraud. At present the Scotch Courts took cognizance of cases of divorce, if the parties had been resident in Scotland forty days. This induced people to go to Scotland from other countries, and he was sorry to say from England, collusively to obtain a divorce to which they were not entitled in England. Again, the Scotch Courts claimed a right of jurisdiction which was called *ratione originis*. If a Scotchman born went into another country and abandoned his native land, and acquired a domicile elsewhere, the Scotch Courts said they had a jurisdiction with respect to him to enforce the law of divorce, although he remained domiciled in a foreign country, *ratione originis*. That seemed to him to be very unreasonable, and contrary to all principle; because the law of divorce ought to be administered in the tribunals of the country where the parties were domiciled, and where they were known. But the existing state of things necessarily led to uncertainty, and even to fraud. If a Scotchman had left his own country and acquired a domicile elsewhere, he had only to return to Scotland to recover his domicile there,

and then he was entitled to a divorce, as though he had never crossed the Tweed. Again, it was said that, *ratione delicti*, the Scotch Courts ought to have jurisdiction in cases of divorce, although the parties were not domiciled in Scotland. If adultery were to be prosecuted as a crime, it ought to be prosecuted in the country where it was committed; but a suit for divorce was a mere civil proceeding, and the remedy should be given only to those who were domiciled in the country. He might add, that the two clauses in question were approved by all the law Lords; and that Lord Brougham had authorized him to state that he still retained the opinions which he had expressed to their Lordships. These clauses had, nevertheless, been rejected by the Commons—he believed without any discussion—but he was not without hope that if their Lordships sent the Bill back to the Commons, with their reasons for dissenting to the rejection of the clauses, the Commons might, on further consideration, consent to restore them.

Then, on the Motion of the noble and learned Lord, some of the Commons' Amendments *agreed to*, and some *disagreed to*: and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to certain of the said Amendments: the Committee to meet *immediately*: Report from the Committee of Reasons read, and *agreed to*: and a message sent to the Commons to return the said Bill, with the Amendments and Reasons.

House adjourned at Six o'clock,
till To-morrow, a Quarter
before Five o'clock.

HOUSE OF COMMONS,

Thursday, August 23, 1860.

MINUTES.] PUBLIC BILLS.—2^o Divorce Court.

3^o Consolidated Fund (Appropriation); Exchequer Bonds or Bills (£2,000,000); Endowed Charities; Naval Discipline; Church Temporalities (Ireland) Acts Amendment; Union of Benefices.

OUR RELATIONS WITH PARAGUAY.

QUESTION.

MR. MAGUIRE said, he would beg to ask the First Lord of the Treasury, in what condition were our relations, diplomatic and otherwise, with the Republic of Paraguay, more especially in reference to the

recent dispute respecting the imprisonment and subsequent liberation of an alleged British subject, named Canstatt, by the Paraguayan Government; also whether, in consequence of the re-admission of the State of Buenos Ayres into the Argentine Confederation, Her Majesty's Envoy will again reside in the City of Buenos Ayres, the commercial capital of the Confederation, instead of in the City of Parana, as at present?

VISCOUNT PALMERSTON: Sir, it is quite true that our diplomatic relations with the Government of Paraguay were suspended in consequence of the arrest and imprisonment—as we contend, the unjust arrest and cruel imprisonment of Mr. Canstatt, a British subject. That unfortunate gentleman was detained a very considerable time in prison, but he was at last released. I believe his release was in part owing to a sort of intention manifested by one of the British cruisers in the river Plate to seize and detain a Paraguayan vessel at Buenos Ayres. That attempt did not succeed, and the Paraguayan vessel got safe back into Buenos Ayrean waters, but I am inclined to believe that attempt materially influenced the Paraguayan Government in ordering the release of Mr. Canstatt. Her Majesty's Government have since demanded satisfaction and compensation for the losses which that gentleman has sustained. That demand has not yet been complied with, and therefore our relations with Paraguay have not yet been renewed. I trust, however, that the Paraguayan Government will feel, upon further reflection, that it is due to their own character and the honour of their country to make the compensation we ask for. As to the other question it is well known that the Province of Buenos Ayres has separated from the Argentine Confederation, and our Mission was established at Parana. Lately communications have passed between the Government of the Province of Buenos Ayres and that of the Argentine Confederation, which may lead to the reunion of the Province with the Confederation. Until that is finally settled the British Mission will remain at Parana. Where it will be afterwards I cannot now say, as it depends upon the arrangements between the Province and the Confederation.

EGYPT AND THE SUEZ CANAL COMPANY—QUESTION.

MR. DANBY SEYMOUR said, he would beg to ask the First Lord of the

Mr. Maguire

Treasury, Whether he can give any information as to the statement which has appeared in the newspapers, that the Pasha of Egypt has enabled the Suez Canal Company to be constituted, by taking up shares to the amount of 95,000,000 f. (upwards of £3,500,000) which it had been found impossible to place, and thereby prevented the dissolution of the Company? He also wished to ask, whether any negotiations are pending in relation to the Suez Canal, and whether Mr. Cobden has any instructions to negotiate in Paris upon that subject. He further would ask the noble Lord whether the Pasha of Egypt, before contracting the late loan through Messrs. Lafitte, of Paris, has had the sanction of the Porte; and, if not, whether it be not an infraction of the Treaty of Settlement effected at the close of the Syrian War in 1840?

VISCOUNT PALMERSTON: It is quite true, Sir, as my hon. Friend has said, that the Pasha of Egypt has been induced to take a large number of shares in the Suez Canal Company. That Company is, as I have often said, one of the greatest and most remarkable attempts at delusion that has been practised in modern times. It is a complete fallacy from beginning to end. A great many persons in France—small people—have been induced to take small shares under the notion that the concern would be a profitable matter. The progress of the works in Egypt, however, has been such as to show that, if not impracticable, it will require an expenditure of money, time, and labour quite beyond the reach of any private company. The projector of the scheme, M. Lesseps, found that a house at Trieste had repudiated a large number of shares which they had been induced to take, and he then thought that the Pasha of Egypt was a good person upon whom to fix the responsibility of accepting them. He accordingly induced the unfortunate Pasha to take 64,000 shares, amounting to about 32,000,000 f. M. Lesseps afterwards wished him to take a larger number of shares, but the unfortunate Pasha, who had been once hoodwinked, had now his eyes open; he refused to accept any more. M. Lesseps, however, wishing in his benevolence to do the Pasha a service which the Pasha himself was not sensible of, without the consent of the Pasha placed to his credit a large additional number of shares, amounting in value to about the sum mentioned by my hon. Friend. When the Pasha is

called on for his money, I can only hope for his own sake that it will not be forthcoming. As to the other question, I have to say that the Pasha has contracted a loan with a house at Marseilles, but the loan has been contracted by him in his private capacity. In fulfilment of his engagement with the Suez Canal Company he has mortgaged all his private property in Egypt to this house at Marseilles. That has not been done with the consent of the Turkish Government, and that consent was not necessary. There is nothing in the Convention to which my hon. Friend refers which militates against the right of the Pasha to deal with what he deems to be his private property. I am not aware of any negotiations that are going on upon this subject. There have been negotiations between the British and French Governments, and we have all along expressed our opinions upon this subject. The French Government has said that they will take no part in the affair. The French agents, who are not always sustained by their Government, have, I believe, locally taken an active part. There is no particular negotiation going on at present, and Mr. Cobden has received no instructions bearing upon this subject.

MR. SPOONER: Is Mr. Cobden our Minister at Paris, as well as Earl Cowley?

VISCOUNT PALMERSTON: Mr. Cobden is authorized, as Commissioner, in conjunction with Earl Cowley, to negotiate the points which remain to be settled in relation to the Commercial Treaty.

Afterwards—

VISCOUNT PALMERSTON said, he had just received a letter which somewhat modified the answer he had given to his hon. Friend (Mr. D. Seymour) on the subject of the Egyptian loan. It appeared from a despatch received from Alexandria that an agent had left Alexandria for Paris with a deed of loan for 28,000,000*fr.*, contracted not at Marseilles, but through Messrs Lafitte. The loan was to be secured on the Customs' duties of Alexandria. The Treaty of 1841 did not preclude the Egyptian Government from entering into such a Treaty, but at the same time it was proper to state that there was a previous loan by the Turkish Government which would have a prior claim upon the revenue of Egypt.

SHIP CANAL ACROSS THE ISTHMUS OF DARIEN.—QUESTION.

MR. BRADY said, he would beg to ask

the First Lord of the Treasury, are there any political difficulties in the way of the project for the junction of the Atlantic and Pacific Oceans by a Ship Canal across the Isthmus of Darien, from Caledonia Bay to the Gulf of San Miguel; and is the Government prepared to co-operate with the Emperor of the French, who has offered to send a Vessel of War and a Staff of Engineers to survey the line, which His Majesty has declared to be perfectly feasible?

VISCOUNT PALMERSTON: Sir, there is no political impediment whatever to the creation of a canal across the Isthmus of Darien. On the contrary, there was an agreement entered into between the British and American Governments to protect any canal that might be made at any part of that isthmus, particularly in reference to a notion entertained once of a canal in the neighbourhood of Nicaragua. Before 1852 an active enterprising Irish gentleman, Dr. Cullen, had very meritoriously by his own efforts surveyed that part of the isthmus, and he was of opinion that a canal might be cut there more easily than at any other part of the isthmus. The result was that in 1852 a company was established, and the English, American, and French Governments, being impressed with the conviction that the scheme would be an advantageous one in the interest of the world, a communication was made to the Emperor at Paris, and, at the end of 1853, England, France, and America united to assist in exploring that part of the isthmus in order to ascertain whether it would be practicable to cut a canal. That survey occupied the whole of 1854, and at the end of that time, Mr. Gisborne having gone out as engineer of the company, English and American engineer officers were sent to make a survey, and the result was that they were of opinion that the scheme was impracticable, as the Cordilleras extended like a back-bone along the isthmus, at a height ten times too great to admit of a ship canal being formed through them. However desirable, therefore, such a work might be, and however plausible such a scheme might appear when simply viewed upon the map, an actual examination of the ground resulted in the opinion that it was not a project which could practically be carried into effect. Dr. Cullen applied last autumn for a renewed expedition, and both Governments were willing to grant the presence of a ship of war upon the coast, so far as was practicable, without interfering with their naval duties. Dr. Cullen then made

an application, not unnatural in his position, for pecuniary assistance towards carrying out the project, but the Government did not feel that they were justified in acceding to that request.

CONSOLIDATED FUND (APPROPRIATION)
BILL.

THIRD READING.

On Question that the Consolidated Fund (Appropriation) Bill be read a third time,

TELEGRAPHIC COMMUNICATION WITH
THE EAST.

QUESTION.

MR. SEYMOUR FITZGERALD said, he had a question to put to the hon. Gentleman the Secretary to the Treasury with reference to the convention which had been entered into by the late Government with the Government of Austria, providing for the establishment of a telegraphic line of communication between Ragusa and Corfu and between Corfu and Alexandria; and, though he addressed his question to the Secretary to the Treasury, he hoped he might also bespeak for it the attention of the noble Viscount at the head of the Government, as the subject was one of the greatest importance to the interests of this country. By the convention to which he had referred, a line of telegraphic communication was to be established between Ragusa and Corfu and between Corfu and Alexandria. The cost of the undertaking was to be £500,000, and the convention provided that a guarantee should be given to the shareholders of the company promoting the line to the amount of 3 per cent on the outlay of £500,000, the sum of £15,000 being paid by this country and £15,000 by Austria. The consideration of this question came before the Government of this country some years ago, and on the accession of the Earl of Derby's Administration to office, they thought it desirable that the proposed line of communication should be carried out as soon as possible. They accordingly entered into a convention with the Austrian Government on the terms which he had just mentioned. They thought that for the small sum of £15,000 a year the greatest advantages would be secured to this country; that a direct and independent telegraphic communication would be secured with Alexandria and our Eastern possessions, so that they would no longer be dependent on the means of com-

munication through France or through any portion of the Neapolitan territory. But beyond this they had important establishments in Malta, and for a communication with that place it was of the highest importance that this line should be established; because it was acknowledged by all who had any knowledge of the Mediterranean submarine communication that the only feasible line was between Ragusa, Corfu, and Alexandria, and then it remained only to establish a link between Malta and Corfu. He was satisfied that for this sum of £15,000, this country would secure for herself much greater advantages than would be derived from it by Austria. He was given to understand that the Austrian Government were anxious still to carry out this convention, but that they were anxious also there should be some modification of the terms. He would give no opinion on that point. He was only anxious that Her Majesty's Government should pay the most earnest attention to the subject, and that they should not be led away by any fancied objections to give up a scheme which he believed would confer the greatest advantages on the country. The right hon. Chancellor of the Exchequer, referring to the subject some evenings ago, spoke of the numerous failures that had occurred in telegraphic enterprises, and particularly pointed out the case of the Atlantic telegraph; but, in reality, no comparison could be established between the two cases, because, in the present instance, the length of cable was very much shorter than in that of the Atlantic, the soundings were more favourable, and the contract had been entered into by the Austrian Government with English gentlemen of the highest eminence, who had already 4,000 miles of submarine telegraph under their control and in efficient working order. An objection had been raised to the scheme which he did not think entitled to much weight, and that was that it was not desirable in matters of this kind to enter into joint arrangements with the Government of another country. Supposing such an objection to have weight in other instances, it had none in the present, because, though Austria joined this country in the matter of the guarantee, it was settled that each Government was to be responsible for the payment of £15,000 only; so that, whether the £15,000 was paid by Austria or not, no additional charge would be made on this country. It was also provided by the convention that a separate wire was to be preserved for the ex-

Viscount Palmerston

clusive use of the English Government, not only from Ragusa to Corfu, but from Corfu to Alexandria. It was quite possible for the Government to make arrangements for obtaining an exclusive wire from London to the first station in Austria, and it would, therefore, be easy by adopting the convention with the Austrian Government for Her Majesty's Government to obtain an exclusive wire all the way from London to Alexandria. This matter had passed through his hands when at the Foreign Office. It was one in which he had taken the greatest interest, and he trusted Her Majesty's Government would not allow so favourable an opportunity to pass of obtaining a means of communication which would be of the greatest importance to this country both commercially and politically. The matter was, indeed, of so much importance that he wished to bespeak the attention of the noble Viscount at the head of the Government to it, for he was confident that the noble Viscount would, on examination, see such vast advantages from the formation of this telegraph line that he would not allow the convention to be hastily put aside. He wished now to ask whether Her Majesty's Government had had under their consideration the modifications proposed by the Austrian Government in the convention signed last year, whether they had returned any answer to that proposal, and, if not, whether they had come to any decision as to the answer to be returned to the Austrian Government?

Mr. LAING said, that with reference to the general policy of the convention that he was quite ready to admit that the importance of establishing an independent telegraphic communication with India was such that if it could be assumed that for £15,000 a year this link could be secured the arrangement made by the late Government would be very desirable. But the subject had assumed a very different aspect since the arrangement was originally made. The Austrian Government had within the last few days announced that they should require very considerable modifications in the convention. As soon as the consent of the Turkish Government to laying the cable at Alexandria had been obtained the contractors were summoned to Vienna, and negotiations with the Austrian Government were commenced for carrying out the undertaking. It was represented that the terms of the original convention were so insufficient that it was hopeless to attempt to raise the capital. It

was therefore proposed that, instead of a guarantee of £15,000 a year, limited to twenty-five years, the British Government should guarantee an absolute dividend of £15,000 a year paid to the shareholders, so that if the expenses should exceed the receipts the deficiency would be made up. Her Majesty's Government were therefore now asked to guarantee £15,000 a year, and to make up the deficiency between the actual expenses and the receipts. That was a very important modification. Another proposal was that the period of liability for the payment of the guarantee should be extended from twenty-five to fifty years. The proposal, therefore, was that the British Government should give an absolute guarantee of £15,000, which might be greater, for 50 years. That guarantee, it was further proposed, should come into operation on the different sections of the cable being laid down successfully, so as to work for ten days consecutively. When the convention was first negotiated it was thought that if once the contractors succeeded in laying down the wire in deep water the risk was at an end. But subsequent experience had greatly modified this opinion. The cables between Malta and Sardinia and Malta and Corfu were laid with success and were worked for months, yet from unknown causes they had failed, and the communication had not been restored. Three attempts were also made by the contractors to establish a telegraphic wire between Candia and Alexandria, which had proved to be failures. It was clear, therefore, that the risk of failure was greater than when the convention was originally considered, and that the bargain with the Austrian Government would be much more hazardous and onerous for this country. The Government could not assume with certainty that the first operation of laying the cable would be successful, seeing that the wire would traverse the same line between Candia and Alexandria on which three failures had already been incurred. It was then doubtful whether if the first operation were successful the Government could rely upon the continuance of the communication. He was not able to say what determination would be arrived at by Her Majesty's Government, because the despatch of the Austrian Government had only been in their possession for a few days. The subject would be, however, maturely considered by the Government, who anxiously desired to carry out a communication with India as soon as a reason-

able arrangement could be made for that purpose.

MR. HANKEY said, he rose to call attention to the manner in which the Appropriation Bill was brought before the House. During that Session they had heard many discussions regarding the privileges of the House of Commons, and they had arrogated to themselves the supreme and entire right of legislation in all matters of finance. It therefore behoved them the more imperatively to take care that they should always follow a clear and intelligible course in all matters affecting the financial arrangements of the House. It was well known to every hon. Member that the Appropriation Bill was an enumeration of all the Votes which had passed during the Session in Committee of Supply. It was by that Act alone, legislative power was given to the Government to carry into effect what already had been voted; until that Act was passed there was no direct appropriation of the sums voted in Committee of Ways and Means. The Bill was, therefore, a most important one. Yet it was never brought forward in a way which enabled hon. Members to examine whether it assigned the Votes correctly to the different items for which the House had voted them. It appeared to him that there was a simple remedy for this. There would be no difficulty in the Government laying before the House a simple record of every Vote that had been passed in the course of the Session as soon as the last Vote was passed. Hon. Members could then compare the Appropriation Bill with that paper, and see whether the two documents agreed. At present there was no possibility of doing so. He thought, also, that the Appropriation Bill should contain a statement of the total amount of money voted in Committee of Supply, as that would enable hon. Members to see whether the sum total was exceeded by the various items or not. He understood from the Chairman of Committees that there would be no objection to such a course. It was quite possible, too, that when a Vote was reduced in the Committee, the reduction might not be made correctly. He wanted to know, moreover, why this Bill was not printed. He believed there was only one year in which it ever had been printed; it was the only Bill which was not printed, though it was in many respects the most important Bill of the Session.

THE CHANCELLOR OF THE EXCHEQUER said, his hon. Friend who had just

Mr. Laing

spoken had done that which was very unusual in discussing the Appropriation Bill—namely, he had spoken strictly to the point. One of the objects which the hon. Member seemed to have, was to guard against any arithmetical error, and to place before hon. Members, generally, those data and that information without which they could not fulfil their duty. With respect to the former object, perhaps his hon. Friend was not aware of the course actually pursued. The Votes were watched and recorded at the Treasury, where accounts of the respective amounts were kept and the totals summed up. An independent account was also kept by the officers of the House, and when the results of the two accounts were the same it might be justly held that there was no error. With regard to the printing of the Bill, his hon. Friend was not strictly correct in saying that the Bill had only been printed once. The fact was, it was always printed, though not circulated, as it would be really a waste of money to print such a bulky Bill for general circulation. However he apprehended there would be no difficulty in striking off a few copies, which might lie in the Vote Office for any hon. Members who might call for them. With regard to the suggestion of printing a statement of the Votes at the close of Committee of Supply, such statement really was printed three times over, either literally or substantially, and he was doubtful about the necessity of printing them a fourth time. They were first printed in the Estimates, where, though they were liable to alteration, such alteration was not made in more than one instance out of fifty; they were also printed in the proceedings of the House from day to day, and in the Appropriation Bill. If, however, it was the opinion of the House that a fourth statement should be made at the close of Committee of Supply, there could be no objection to its being given. He certainly had begun to feel rather nervous when his hon. Friend first spoke of the privileges of Parliament, and the necessity of standing by the institutions of the country in the mode of conducting the business of the House, because he felt that his hon. Friend might perchance be about to allude to greater malversation of duty than that he had named. He thought, however, that the suggestions of the hon. Member were of a very suitable character.

MR. W. WILLIAMS said, the Bill had been printed four years ago, in consequence of his wishing to have a clear un-

derstanding that the alteration in the Army and Navy Estimates were duly recorded. If his hon. Friend (Mr. Hankey) wished to ascertain the correctness of the accounts, he could compare the summary of Votes printed, after Vote No. 7, with the Appropriation Bill, making allowance for the alterations, and arrive at the result he wished in less than ten minutes.

MR. AYRTON said, that in consequence of what took place during the debate on the Estimates, he had moved for certain papers; and as a good deal of discussion had since taken place elsewhere as to the execution of the contract with the Indian Telegraph Company, he was anxious to know whether those papers he had moved for would be laid on the table during the Session.

THE CHANCELLOR OF THE EXCHEQUER said, there would be no difficulty in having them placed on the table before the end of the Session. He thought it very desirable that they should be, and that the Government should have the assistance of hon. Members in determining what might be their duty in reference to the subject. The late Committee on Telegraphic Contracts necessarily took a very limited view of the question, being appointed to consider not so much the provisions of the contracts as the manner in which they were made. If it was the opinion of the House that any of the provisions of those contracts ought to be a subject of investigation by a Committee, no objection, in his opinion, could be taken to a proceeding of that kind.

Bill read 3^o and *passed*.

ENDOWED CHARITIES BILL.

THIRD READING.

Order for Third Reading read.

MR. FREELAND said, that he wished to throw out a suggestion to his right hon. Friend the Member for Calne (Mr. Lowe). He hoped that he would consider whether, through the medium of the Charity Commissioners, increased facilities could not be given for the sale or enfranchisement of charity lands. According to the last Returns on the subject in 1839, there were between 400,000 and 500,000 acres of land tied up in the hands of the trustees of different charities. He thought that if a great portion of these lands could be sold or enfranchised, which might be done without detriment to the charities, it would promote agricultural and building operations and be attended with important public benefits.

He had already spoken to his right hon. Friend on the subject, and would not trouble him now to give any answer, but should feel obliged if he could give the matter his attention during the recess.

Bill read 3^o and *passed*.

DIVORCE COURT BILL.

SECOND READING.—ADJOURNED DEBATE.

COMMITTEE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [20th August],

“‘That the Bill be now read a second time;’ and which Amendment was, to leave out the words ‘now read a second time,’ in order to add the words ‘laid aside’”

—instead thereof.

Question again proposed, “That the words proposed to be left out stand part of the Question.”

Debate *resumed*.

Notice taken that the Bill, as brought from the Lords, contained a provision that Her Majesty's Proctor shall be entitled to charge certain costs as part of the expense of his Office; and that, as such expense, by virtue of the Act 20 & 21 *Vict.* c. 85, is to be defrayed out of Monies to be provided by Parliament, such provision was an infringement of the Privileges of this House.

Whereupon MR. SPEAKER explained, that since 1854 provisions of this character had been admitted in Bills brought from The Lords; but that, as it appeared to him that such a practice was open to serious objections, that it was liable to misconception, and that it was calculated to break down the broad line of distinction between the duties, attributes, and powers of the two Houses, he had already intimated that any such provisions would hereafter be objected to by himself, on behalf of the House, and that he should advise the House not to receive them.

MR. SPEAKER further stated, that this Bill had been brought from The Lords on the 1st day of May last; that the intimation of his opinion had since been attended to, and all similar provisions had been omitted by The Lords from Bills sent to this House; and that, under these circumstances, the House would perhaps not think it necessary to insist upon its Privileges in this particular case.

VISCOUNT PALMERSTON: I wish to call the attention of the House to the observations which you, Sir, made on the subject of this Bill, I think on Monday last. I am sure the House must feel

greatly indebted to you for the vigilant attention which you have paid on all occasions to the maintenance of its rights and privileges; and I have no doubt that the House will concur with you, that the 5th Clause of this Bill is an infringement and a violation of rights and privileges which it is essential that we should preserve unimpaired. You then explained, Sir, that this was a practice which had arisen, and been continued for some years past, more with a view, as I imagine, to the mutual convenience of the two Houses than from any deliberate intention on the part of the House of Lords to infringe on the privileges of the Commons, but that, nevertheless, the practice was carried to an extreme in this instance, and that you, therefore, felt it your duty to bring it under the consideration of the House. It seems, however, that you did not confine your watchfulness to this particular Bill, but that, having remarked a practice which appeared to you contrary to the privileges of the House of Commons—namely, the practice of inserting in Bills sent down from the House of Lords money clauses and provisions, so that they appeared as enactments, whereas they ought only to have been suggested for the consideration of this House—having observed this, some six weeks since, you communicated with the House of Lords, and stated that you should feel it your duty to call the attention of this House to the practice, and suggest a course which would effectually prevent its recurrence. In consequence of that communication, the practice to which you referred has been discontinued, and in other Bills which have since come down—for the measure now before us has, from various causes, been in the possession of the House for a considerable time—your suggestions have been attended to, and the forms consistent with our rights and privileges have been duly observed. Under these circumstances, and considering the nature of this Bill, which is designed to improve a highly important court of judicature, I am inclined to think that the House will do well to adopt the recommendations which you suggested in the latter part of your very clear and able remarks—namely, that notwithstanding the informality contained in this Bill, inasmuch as the practice has been observed upon, and the House of Lords have acquiesced in the objection taken, and have abstained from pursuing the same course on recent occasions, we should waive the objection which

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might strictly be taken to the measure, and instead of laying it aside, should consent to the second reading. If that is the opinion of the House, I think it will be necessary that a special entry should be made on our Journals, in order to put on record the reasons why, in this case, we have agreed to a Bill containing on the face of it matter which, in a strict enforcement of our rules and rights, we should be bound to reject. Under these circumstances, Sir, I beg to move the second reading of the Bill.

SIR JAMES GRAHAM: As an old Member of this House, deeply and sincerely attached to its privileges, which I hold to be indissolubly connected with the rights and liberties of the people, I may perhaps be pardoned if I join my noble Friend in thanking you, Sir, for the clear, deliberate, and admirable opinion pronounced by you from the chair in defence of those undoubted rights and privileges. I must confess that I should be very sorry if an opinion so sound, and at this juncture so necessary, were altogether inoperative; and my first impression, in conformity with the course suggested by the hon. and learned Gentleman (Mr. Hennessy) was that the Bill should be laid aside, and a new measure introduced and advanced at once through the various stages, so that no impediment might be offered to its passing in the present Session. But further deliberation has led me to the same conclusion as that stated by my noble Friend, and I now think with him that, considering the present state of the House, we should be unduly magnifying the step taken by the Lords, that we should be raising a doubt as to our privileges where no doubt ought to exist, and should be pursuing a course hardly consistent with our dignity if we took more serious notice of this matter. I think the course suggested by my noble Friend is by far the most dignified; but I am extremely glad that a special entry is to be made in the Journals. Sir, I do not altogether so much blame the House of Lords for what has happened. We have been somewhat negligent ourselves. For a long portion of the forty-five years I have sat in this House—Bills sent hence to the Lords and from the Lords to this House were engrossed. Any money clause suggested by the other House was afterwards written in black ink, and before the Bill was transmitted to this House the clause so written was struck out by the pen being drawn through it. Subsequently,

printing was substituted for writing; and instead of the clause being written and struck out it was sent down printed in italics in black ink. We afterwards adopted the practice of printing in black ink, and then the House of Lords at the same time printed these money clauses in red ink; but the use of red ink and black ink by the other House became somewhat confused, and in course of time money clauses came down printed in black ink. Until now the vigilance of this House in regard to its privileges has not been aroused; and the result of our inadvertence and of concessions which we have made, in order to facilitate business in the case of private Bills, is that the present race of Peers have been led to believe that they have powers in respect of money Bills greater than the undoubted privileges of this House at all justify. The time has now arrived when we must check any such assumption, and I think that the course which you, Sir, have adopted for the last six weeks, and the objection which you have urged, and which the Lords have recognized, will act as an effectual check upon the practice we complain of. I rejoice that such a step has been taken; I thank you for the attention and the vigilance which you have exhibited. I am sure the defence of our privileges cannot be in safer hands, and I am equally sure that the House will not fail to support you in any steps which may be necessary to secure those privileges unimpaired.

Mr. EDWIN JAMES said, that the constitutional judgment which Mr. Speaker had pronounced would hereafter be the landmark for defining the privileges of the House on that great question. The contravention by usage of the broad distinctions between the attributes and powers of the two Houses had been sufficiently established by the speeches of the noble Lord and the right hon. Baronet. But there could not be a question in the mind of any one who calmly reviewed this case, and looked to the great principles which ought to decide the matter, that although it was perfectly true this was a Bill amending a former Bill, yet a new office—that of Her Majesty's Proctor—was created by it, and a new burden cast upon the people. Beyond all question the Bill was strictly within the decision pronounced from the Chair, but if the House was satisfied with a strong protest being entered, he trusted that protest would remain on their Journal and prevent this being made into anything like a precedent, because what was a pre-

cedent to-day, became law to-morrow. Nothing could be more dangerous than to afford any ground for precedent under the circumstances of the collision which had taken place between the two Houses, upon a question beside which this question sank into insignificance. He hoped a strong protest would now be entered, and he felt convinced that under the guardianship of Mr. Speaker, as the depository of that House's honour and privileges, their honour would never be sullied or their privileges encroached.

Mr. E. P. BOUVERIE said, he thought that after what had passed, with which all were familiar, and after Mr. Speaker had called attention to the subject, it was impossible not to fully approve the course which was now taken and the endeavour which was made to put a stop to these practices, which had of recent years grown up in the House of Lords. At the same time he wished to point out that in the public convenience the practice had originated, and for the public convenience the practice had gone on. In that was their justification for allowing the practice to grow up and continue. In the discharge of their legislative functions the House of Lords had necessarily to consider the duties which officers appointed by statute would have to perform, and there was scarcely a Bill connected with the administration of justice—a subject which was considered to be the peculiar province of the House of Lords—which did not involve that consideration. The old practice was to say nothing in the Bill which came from the Lords as to the mode in which the officers should be paid. The financial part of the question was not raised, and it was left to the Executive to propose, in Committee in the Commons, the insertion of clauses which involved any charge upon the people. It was not so convenient a practice for the House of Commons as the practice which had grown up of having such clauses printed in Bills from the Lords in black or red ink, and thus submitted at once to the judgment of hon. Members. Although in theory those clauses were not supposed to be contained in the Bill, when there were red ink clauses the practice in Committee of the House of Commons was to take no notice of them, and to leave them to be brought up as new clauses at the end of the Bill. In point of fact the only result of having those red ink clauses printed in the Bill was to give Members of the House of Commons full

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notice from the first printing of the Bill what were the charges proposed, and what the mode of dealing with them. He was ready to admit that after what had passed it was necessary to take the course which at the suggestion of Mr. Speaker was now taken; but he ventured to think that the practice now put a stop to was of considerable advantage, and he only lamented that the course which the Lords had thought proper to take this Session on a far more important matter than this had forced on the consideration of the Commons their privileges in other respects, and driven them now and for many years to come to the necessity of a minute observance of those privileges, even where the public convenience suffered by that observance.

MR. MALINS said, it appeared very distinctly that there was no danger of any collision between the two Houses, because upon a communication from Mr. Speaker the House of Lords had readily acquiesced in his suggestion, and upon this point he should not have spoken, as he believed it had been effectually disposed of by the noble Lord, the right hon. Baronet, his hon. and learned Friend, and the right hon. Member for Kilmarnock; but the noble Lord said that this Bill had been very long in possession of the House, and he thought they had great reason to complain that it had been lying on their table ever since the 1st of May, and had not been proposed by his hon. and learned Friend the Attorney General for second reading until the previous Monday or Friday.

MR. WHALLEY said, he considered that the House might expect from him an apology for addressing it on such a topic, in opposition to the opinions which had been expressed by the First Lord of the Treasury and the right hon. Member for Carlisle; but the reasons given were not satisfactory to him, and it was a question upon which, in these times, every Member, however humble, was not only entitled, but bound, to form an opinion for himself. Here was a breach of privilege; and how did the noble Lord propose to meet it? By merely entering a protest on the Journals. Why, such a proceeding was a recognition of the fact, and not a repudiation of it. In all other cases where an offence was committed practical remedies were resorted to, but it seemed that a new rule was to be adopted with respect to that House, and that the only remedy remaining for the defence of the rights and privileges of the House of Commons was a verbal pro-

test. He did not think that was satisfactory. The very fact of accepting the encroachment under protest would itself become a precedent as to the mode in which like encroachments should be dealt with. Apart from that view, which appeared to him to be a substantial objection to the course proposed, he could not but avow an entire want of confidence in those who ought to be the leaders of that House and the protectors of their privileges. Of course, he referred to the great event of the Session—the retention of the Paper Tax against the wish of that House and the pledged faith of the Government. Although the present question was in itself utterly insignificant in comparison with that existing outrage of the constitution of the country, he could not on that account refrain from raising his voice against the toleration even in the smallest degree of an encroachment upon the privileges of the House.

VISCOUNT PALMERSTON said, he would explain that which seemed to be misunderstood. He proposed to read the Bill a second time on the ground that it was sent down to that House a long time ago; that since that the violation of their privileges had been remarked upon, and that in consequence of the representation which Mr. Speaker had made to the House of Lords of the informality of the practice it had been discontinued. The entry on the Journal would not be a protest against the practice, which was discontinued, but simply an explanation of the reason why the Bill was read a second time.

MR. WHITE said, he took a deep interest in everything that affected the rights and interests of the House, and he felt constrained to say that, although under other circumstances he might be content with the protest proposed to be made, he could not under those that did exist feel convinced that that protest would suffice to meet the necessities of the case. They lived in very strange times. None of them would have believed, some time since, that an attack would be made by the House of Lords upon the most precious birthright of Englishmen. At that moment they were taxed by the sole authority of the House of Lords, and against the consent of the House of Commons. A tax was levied upon the sole authority of an irresponsible branch of the Legislature, and, with every disposition to be conciliatory, and every desire to agree to the proposition of the noble Lord, he felt that other measures

should be taken to mark the sense of the House in reference to the invasion of their rights on a former occasion. If hon. Members concurred with him, he would be disposed to move the House that the Bill be laid aside independent of its intrinsic merits, not solely on account of the aggression upon the privileges of the House, but in order to show that they viewed with disgust the pusillanimous conduct adopted by a majority of the House on a former occasion.

MR. MELLOR said, he also was deeply sensible of the necessity of their protecting the rights and privileges of the House; but he could not imagine a more insignificant matter upon which to raise the question. The course taken by the other House was not intended as an aggression; and the practice had been discontinued. He approved of the practical result arrived at by the House on a former occasion. If the noble Lord had proposed action on a fiscal question on which the people were divided in opinion, that House would not have been supported by public opinion; and if such step had been taken it would have resulted rather disadvantageously than beneficial to their privileges.

MR. JOHN LOCKE said, that, whatever opinion he might entertain respecting the course that should have been pursued on a former occasion, when an aggression was committed by the Lords on the privileges of the House, and when it was intended to be an aggression, he felt they would be descending very low if they took upon themselves to meet with a strong measure that which was never intended to be an aggression. It was explained that so far from intending an aggression the House of Lords had pursued, in regard to this Bill, the course invariably pursued for a great number of years without objection, because the course had tended to the convenience of the business carried on by both Houses of Parliament. Therefore, he trusted the hon. Member for Brighton (Mr. White) would not take the sense of the House upon a point which was really not one that could settle the great question at issue between the Lords and Commons as to the privileges of the latter.

MR. CONINGHAM said, that after the course adopted by the House in reference to the gigantic encroachment on its rights on a former occasion, it would be like straining at a gnat after swallowing a camel, if they took action on a mere question of detail like the present. He there-

fore concurred in the recommendation of his hon. and learned Friend the Member for Southwark (Mr. John Locke), that the House should not divide on the question before them.

MR. HENNESSY said, he had pointed out the irregularities both to Mr. Speaker and to the Government as early as the month of May last. Her Majesty's Ministers had taken no notice of his suggestions, and if he were to look only to the conduct of the Government he certainly would not withdraw his Motion; but there were more cheering symptoms. He believed the decision of Mr. Speaker would sufficiently guard their privileges, and after the observations of the right hon. Member for Carlisle and the hon. and learned Member for Marylebone, he thought he should best consult the feelings of the House by withdrawing his Motion.

MR. SPEAKER: In putting to the House the Motion that this Amendment be withdrawn I wish to correct a misconception of the right hon. Member for Kilmarnock, who imagines that the effect of what has taken place will be to put an end to clauses in red ink coming down from the House of Lords, which he thinks is for general convenience. The result of what has taken place will not be to put an end to the practice, but to confine it within proper limits, and to take care that the creation of expenses, and the appointment of officers with salaries to be defrayed by moneys to be voted by Parliament, should not come down from the House of Lords as enactments, but merely as suggestions. With regard to the observations of the right hon. Member for Carlisle, that the vigilance of the officers of this House had in some degree been laid asleep, it is right to the officer of the House whose duty it is to attend particularly to this point to say, not only that there is no more vigilant officer of this House, but that his vigilance had not been laid asleep in this matter—that he had accurately observed what had taken place, but that he thought that, under the decision of 1854, it was not his duty to bring it especially under attention.

Amendment, by leave, *withdrawn*.

MR. MALINS said, that when the Divorce Court was originally established many hon. Members, and a great majority of the public out of doors, were of opinion that the additional facilities given for the dissolution of marriage, would open the door to loose practice to an alarming extent. The argument which his hon. and learned Friend

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the Attorney General opposed to this apprehension, and by which mainly he secured the passing of the Bill, was that the decision of all cases of dissolution of marriage would be confined to the full Court—consisting of three Judges; of whom the Judge Ordinary would be one; the other two being selected from the Lord Chancellor, or the Chiefs of the three Courts of Common Law. It was then understood that, as a safeguard against collusion, the presence of three Judges should be required in all cases of dissolution of marriage. In Committee, however, he (Mr. Malins) suggested that it would be found very difficult in practice to constitute a court within the proposed limits; and, in accordance with his suggestion, the area of the court was enlarged, and three of the senior Puisne Judges were made members of it. He thought that the expectations of his hon. and learned Friend, of the House, and of the country, had been surpassed by the results of the Bill. It was stated, in the debate on the Bill, that from 1715 to 1760 the applications for the dissolution of marriage were, on the average, one in a year. From 1760 to 1800 they were three in the year; and from 1800 to 1852, they dropped to two in the year. But it appeared by the returns, that, whereas all the petitions presented for a divorce for twenty-three years, beginning with 1833 and down to 1857, were 238, or about ten in the year, there were, from the 1st of January, 1858, to the 31st of December in the same year, no less than 236 petitions presented for dissolution of marriage; and, in addition, 84 petitions for judicial separation; making a total of 320 applications in one year. It was found before last year very difficult to get two Judges to attend the Judge in Ordinary; it was found almost impossible to get the Lord Chancellor to sit; the only Lord Chancellor who had sat at all was Lord Chelmsford, and that only for two or three days. The Chief Justices had been scarcely able to sit at all; and the consequence was that Government last year made every Common Law Judge a member of the Court. But now it appeared, so overwhelming was the business, that even with the Court so constituted, it was impossible to obtain the necessary attendance. Now, under those circumstances, what was it that common sense pointed out as absolutely necessary? The principle of the original Bill being that no marriage should ever be dissolved, except after the most minute investigation, so that there could be no collusion, no

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fraud, what was proposed by the Bill, whose second reading was then asked, after it had lain on the table from the 1st of May? They were asked to commit all these questions, not to three Judges, but to one; so that Sir Cresswell Cresswell might have all the power which Parliament, in 1857, conferred upon a court consisting of three. Could there be a Bill of higher importance, or raising questions of more grave consideration? They had already read, in the public prints, when a full Court was constituted—and a great scandal it was, which lessened them in their own estimation, and that of other nations—the names of five or six couples, who, in a sitting of a few hours, had their marriages dissolved. Indeed, eight or nine couples had had their marriages dissolved in one sitting; and the hon. and learned Gentleman, the Member for Marylebone (Mr. E. James), had stated that in some six hours eighteen or nineteen marriages had been dissolved. [Mr. E. JAMES: Undefended cases.] Undefended cases? But did not that open the door for collusion and fraud, the very thing which they had to guard against; for, if once they made marriage dissoluble in that way, they would have all persons who wished to get rid of one another coming to the Court. He did not think that any one who took part in the debates on the Bill, ever imagined that ten or twenty marriages would have been dissolved in six hours. In looking over a publication of Mr. M'Queen, containing much valuable information, he was struck by the statement that, upon the average, cases of dissolution of marriage occupied much less time than applications for judicial separation, and that statement he had heard confirmed by gentlemen experienced in the business of the court. And why was that? Because parties were much more willing to have their marriages dissolved, and therefore there was no opposition; but when it came to a question of judicial separation, then, and then only, there was opposition. Now, could it be right that a Bill of this overwhelming importance, which had been on the table nearly four months, should be brought on at such a time? How many cases were pending in the Court for dissolution of marriage? Between 290 and 300. That was an appalling state of facts, and one which made it of the highest importance to take every precaution against an abuse of the law. It was now proposed to leave the Judge Ordinary alone to dispose of the business which Parliament had

hitherto decided should not be dealt with by less than three Judges. He believed the country generally did not approve the law of divorce, and that its operation had been prejudicial to society, and it would be still more injurious if it were not administered with the greatest care and jealousy. He regretted the Chancellor of the Exchequer was not present, because, though he had changed many opinions since 1857, he believed his opinion on this subject remained unchanged. So far from committing the business of this Court to the Judge Ordinary alone, the proper course would be to constitute a Court of three Judges, or two, at all events, so that all cases might be deliberately and minutely examined. The Judges ought to have abundance of time, and be such men as, by their habits and experience, would be fitted to decide such important questions. He would prefer a court of three Judges, including a common law, a civil law, and an equity Judge. It was most impolitic to leave the important business of this Court to be transacted by one Judge only, with nobody to consult on difficult questions. It was the general impression of those who practised in the Divorce Court that divorces were in many instances procured by collusion and fraud; but if it was well known that there was an efficient tribunal to try and sift every case that came before it, fraud and collusion would not be attempted. There was great reason to complain that the Bill had been proposed on what was virtually the last day of the Session. The best course would be to leave matters as they were until next Session. They were now at the end of August; in five months more Parliament would again assemble. September and October would be vacation months, so that only in November, December, and January, could anything be done in the Court. His hon. and learned Friend, by allowing the Bill to remain four months on the table after it had come down from the House of Lords, had given the best proof that he did not consider it of pressing necessity. If the Bill went into Committee, he should move a clause limiting its operation to one year; meanwhile, he moved that it be read a second time that day month.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month."

SIR GEORGE BOWYER said, that this was a Bill to facilitate the working of

an Act the results of which he held to be most pernicious. He believed that the effect of the Bill that created the Divorce Court had been to shake the morality of the country, and greatly to diminish the sacredness of the tie of marriage. It could not be doubted that there was a fearful amount of collusion in the court, and the Bill which established it ought to be called a Bill for enabling wives to change their husbands and husbands to change their wives, and the court an Encumbered Estates Court for the transfer of women. He was told not long since that a case was about to be brought before the Court which has been so carefully prepared that it was impossible to detect collusion. An agreement had been come to between the parties that the marriage should be dissolved for adultery. A single witness was to be produced who would depose to circumstances which would, it was thought, induce the Court to pronounce for a divorce. The parties were perfectly certain that they would succeed in dissolving the marriage tie, the husband wishing to marry another woman, and the wife wishing to marry another man. He had not been told the names of the parties, so that he was unable to say whether they had succeeded in their object, but he had no doubt they had obtained what they desired. It was said, and with truth, that cases of action for crim. con. used to exercise a bad influence on the public mind and morals. But the Court of Divorce caused ten times more scandal. Hon. Members must have observed on coming down to the House the crowds of persons who blocked up the entrance of the court. It was often difficult to obtain admission for the crowds who went, as to a theatre, to hear the exposures of domestic disgrace. He would admit that the press exercised a sound and proper discretion by not publishing all the details of these cases, but still they must taint the minds of those who went to hear them. People actually went to this court to gain experience, and to learn how to manage their own cases. He had heard of instances in which husbands and wives who wished to dissolve the marriage tie frequented the court to see how it could best be done; so that the court was not only a Court of Divorce, but also a school of divorce. Another objection he had to the Bill was that it gave such enormous power to a single judge. A Court of three, or even two, Judges would be much more salutary. A single Judge might sometimes

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be tempted to do arbitrary things, while if he had one or two coadjutors they would check and control him. At first the Legislature directed that divorces should not be granted save by three Judges, two of whom were to be the chiefs of their respective Courts. That provision was afterwards relaxed, but the Legislature still adhered to the principle that three Judges should sit to grant divorces. Parliament was now told that these serious and delicate cases were to be decided upon by a single Judge. As he feared the Amendment of his hon. and learned Friend would be defeated, and as he did not intend to take part in any further proceedings with regard to the Bill, he wished to make a suggestion to the hon. and learned Attorney General. The 5th Clause empowered the Court, in cases where only one party appeared, to require counsel to be appointed to argue on the other side. That was a very good provision, but it did not go far enough. It ought to be applied not only to undefended cases, but to all cases. At Rome there was a permanent officer, a sort of Attorney General, who was called "Defender of Marriages," and whose duty it was, in all cases where application was made for a declaration of nullity of marriage, to defend the marriage. Every point in favour of the marriage was thus brought before the Court, which was spared the necessity of deciding on *ex parte* evidence, and all risk of collusion was prevented. In the same way, in peerage cases in our own country, the Attorney General had to resist the case of every claimant: so the Divorce Court ought to be empowered in every case to appoint Counsel to oppose the divorce. He protested against the Divorce Court altogether, but if it was to be continued steps should be taken to have every application opposed in the way he had mentioned.

Mr. EDWIN JAMES said, the hon. and learned Baronet (Sir George Bowyer) had mistaken the question before the House, and his speech was a mere repetition of the arguments he used against the original measure. If there had been a Motion to repeal altogether the original Act, he could have understood his arguments. But the question before them was simply whether they should leave the system as it was, or whether they should adopt a measure to facilitate and expedite the transaction of business in that Court. The hon. and learned Member for Wallingford (Mr. Malins) had drawn a contrast

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unfavourable to the present system, between the year 1760, when only two divorces were granted, and 1860, when there were 290 applications waiting to be disposed of. That argument only showed that in 1760 there was a most scandalous denial of justice to a class of very unfortunate persons. The hon. and learned Member also said he was shocked at the number of undefended cases. The reason why certain cases were undefended was simply because they were indefensible. A wife, perhaps, had deserted her husband and children, and was living in open adultery with her paramour. The adultery was proved to the satisfaction of the Court, and what more was required? Before the ordinary tribunals of the country, undefended cases were of everyday occurrence. The hon. and learned Member entertained a strong dislike to a single Judge. [Mr. MALINS: Not generally, but in this particular case.] But a single Judge was allowed to sit in equity, in *Nisi Prius*, and in the criminal courts, and to try cases which affected the property, the character, the liberty, and even the lives of Englishmen. He believed it advantageous to have a single Judge, where he was an able and eminent man, because divided responsibility sometimes tempted a man to be careless. To show the hardship at present inflicted on unfortunate suitors, he would mention one out of a hundred cases. A gentleman of property at Cheltenham had filed a petition for a divorce as far back as July, 1859. His wife had left him, and was now living in open prostitution with her man-servant in the neighbourhood of that town. Four of her eight children were staying with her; and she was able to maintain herself and paramour out of the £3,000 which her husband had settled on her when they were married. That case would probably not be tried till July, 1861, as there were ninety before it on the list. Two years would, therefore, elapse before that gentleman could obtain relief, and during that time his wife would be left in possession of her settlement, and witnesses might be tampered with and got out of the way. He believed the Divorce Court had conferred a great benefit on the public, and relieved a vast amount of domestic misery. The cases of collusion were not half so abundant as his hon. and learned Friend imagined. It was a common mistake to suppose that there had been collusion when the adulterer married the adulteress. It was not collusion when a man, having se-

duced a married woman, made the only amends in his power, and married her after she had been divorced. The collusion to be prevented lay between the husband and the wife. In his opinion one Judge was quite as able to detect collusion as three, and it was absurd to have three Judges sitting to make formal decrees in cases where there was no more ground for defence than for a felon taken in the act. He had heard no arguments against the Bill. The arguments which had been used were arguments against the original Divorce Act. He should vote for the second reading, but in Committee he should propose Amendments. He thought the two clauses in reference to the Queen's Proctor objectionable, and he trusted the Government would insert a clause giving the Judge Ordinary power to call on ex-Chancellors and ex-Judges who were receiving large pensions from the country to assist him when necessary.

MR. SPOONER said, he had supported the original Divorce Act from the conviction that it was exceedingly hard that a poor man should be prevented by the expense of proceeding from obtaining a divorce while to a rich man the expense was nothing. But strongly as he felt the injustice done to the poor man he would not have supported the original Divorce Act had not the Attorney General's speech convinced him that by the Bill (then under consideration), the court would be so constituted, that they might as safely entrust the power of divorce to that Court as to the House of Lords; but the effect of the present Bill if passed into a law would destroy the safeguards upon which the Attorney General had so powerfully dwelt, and upon which he (Mr. Spooner) had relied. But the results which have followed the passing of that Bill, and the speech of his hon. and learned Friend the Member for Wallingford had convinced him that the alterations proposed by the Bill now before the House would be very dangerous. He should therefore vote against the Bill.

MR. HENNESSY said, he would remind the House that the Commission which sat to inquire into the subject of divorce had reported that it was of vital importance that no single Judge should have the power of dissolving marriage. The Bill which was brought in in 1857 by the hon. and learned Attorney General, and passed, not only contained a provision to secure that object, but it was recommended to the House as being unexceptionable in its procedure. The question

before them was not one merely of procedure, but affected the powers of the court. What was the action of the Divorce Court. Its existence had occasioned so great a pressure of business that the Judge Ordinary had requested the Lord Chancellor to prepare a Bill to afford greater facilities for granting a divorce. That was proposed to be done by enabling a single Judge to dissolve marriage. He asked the attention of the House to the fact that the question of adultery which came before the Divorce Court was not one of law but of fact, and there was this great difference in the constitution of that court from all other courts, that the Judge had, to some extent, to perform the functions of a jury, and to decide upon questions of fact. It was upon that account that Parliament had felt it important to secure the presence of more than one Judge upon the bench. They had seen fully realized the statement which the right hon. Chancellor of the Exchequer made in opposing the Divorce Act, that it would lead to great complications, and to a state of things which they would ultimately regret. The right hon. Gentleman had said very truly that the moment they attempted to dissolve marriage by the judgment of a Court for the purpose of allowing the adulterer to marry, they were attempting to do by Act of Parliament that which they were told they should not do by Holy Writ. The Divorce Act degraded and disgraced the women of the country, and violated the precepts of Holy Writ. He could not consent to anything which would facilitate the action of such a Court, and probably in a future Session a Committee would have to be appointed to inquire into its operation. He could not understand how there should be a great pressure for the Bill in the long vacation, when there seemed to be no hurry about it at the time the Court was sitting. Under the Motion which he had withdrawn he did not desire to lead the House into a discussion of the merits of the Bill; but he was opposed to the clauses to which the decision of Mr. Speaker referred, irrespective of the circumstances under which they appeared in the Bill. He objected to making any charge on the Consolidated Fund for the purpose of facilitating divorce. He objected to spending any more public money on the Court, and he objected to giving powers to the Queen's Proctor which Parliament had refused to give to the Attorney General.

THE ATTORNEY GENERAL said, it

[*Second Night.*]

was due to the House that he should revert to the complaint which had been made of the long delay in bringing forward the Bill. He had felt that delay most acutely, as he had felt it also in regard to other measures. No one could say that the delay was anything but inevitable. Let those hon. Members who had been in the House night after night until two or three o'clock in the morning retrace in their recollections the occupation of the different Government nights, and lay their fingers on any one night when it would have been possible for him to bring the Bill on before twelve o'clock at night. Had he attempted to bring it on after that time it would have been said at once that the subject was of too much importance to be discussed in the small hours of the morning, and he would have been exposed to much indignant remark for attempting to take any such course. The House, however, had been no sufferer, for nothing could have been added to the arguments which had been brought forward against the Bill. It had been unjustly and inaccurately described as a Bill to dispense with the full Court, and to concentrate all its authority in the hands of one Judge. It was undoubtedly to dispense with the necessity of having three Judges on all occasions, and to leave it to the discretion of the Judge Ordinary to call in the assistance of two other Judges whenever he might deem it requisite. The hon. and learned Member for Wallingford (Mr. Malins) said the Court was constituted originally with three Judges in order more effectually to prevent the possibility of collusion and connivance; but he had failed to show how three Judges could better detect collusion or connivance than one? The hon. and learned Gentleman who spoke last seemed to forget entirely that that which dissolved marriage was adultery uncondoned, and unattended by collusion or connivance. The fact of adultery was established by the verdict of a jury presided over by a single Judge, and when the record of trial came before the full Court then dissolution of marriage was either pronounced or refused. This Bill, while it dispensed with the idle obligation of always having a full Court of three Judges in the most ordinary cases, left it to the Judge Ordinary to require the assistance of two other Judges whenever there was any question of doubt or difficulty involved. There were also provisions in the Bill for the detection of collusion and con-

nivance which would enable the Judge to direct a preliminary inquiry into the circumstances of a case whenever he deemed it right. The House must recollect that it was the adultery which dissolved the marriage; what was wanted to be ascertained with sufficient certainty was the fact of the actual commission of that crime. There were cases in which for the more effectual attainment of that object there ought to be a preliminary inquiry, and the kind of assistance given to the Court by this Bill was that which experience showed to be most desirable. He hoped hon. Gentlemen would not run away with the idea that there was any foundation for the assertion that the cases of collusion were numerous. He had made it his business to watch the Court from the commencement, and from the best information which he could obtain he did not believe that there had been more than four or five cases in which there was any certainty or even reasonable probability of the existence of collusion. Under the old system there was a great deal more ascertained collusion and connivance than in the new Court. Those hon. Members who lamented over the cases which had come before the Court as if they were a reproach to the Court ought rather to lament over the immorality of the country. It was a remark of Sir William Scott that "it was most essential that every person living in a community should know the real state of that community," and surely hon. Gentlemen did not suppose that because these cases were not brought forward when there was no remedy for them attainable by all there was on that account a greater amount of morality in the country. It was, however, unnecessary to go into the merits of the question, because the House had already pronounced judgment on them, and the general opinion of the country had also been pronounced in favour of the justice, necessity, and propriety of establishing the new tribunal. The Bill had been introduced on the basis of a letter which was addressed to the Lord Chancellor by the Lord Chief Justice of England, pointing out the impossibility of the ordinary Judges discharging these additional duties, and at the same time, pointing out that the experience of the Judges was that in nineteen cases out of twenty it was perfectly unnecessary for them to attend. That letter was confirmed by the experience of the Judge Ordinary. It had been well said in the course of the debate that it was idle to

complain of these powers being continued to a single Judge when the graver issues of life and death were left to a single uncontrolled Judge. The Court of Criminal Appeal which had been established could only be approached at the discretion of the Judge presiding at the trial, who had it in his power to reserve a point or not. Acting on that analogy, the Bill threw on the Judge Ordinary the responsibility of summoning the assistance of two other Judges whenever he might think it necessary, but in ordinary cases, the facts having already been determined before a jury, it would be idle to require their presence merely to play the part of the "mute persons" of the drama. No doubt the procedure of the Court was capable of improvement. It might lead to the easier detection of collusion and connivance if, instead of the petition being a mere allegation of the fact of adultery, it were required that the circumstances and the acts relied on as the ground of complaint should be stated in it. It would be, however, for the wisdom of the presiding Judge and the other authorities to consider that suggestion according to their experience; but he was perfectly certain that the number of Judges would not facilitate the detection of collusion. The provisions of the Bill would do much more to attain that desirable object, and he therefore hoped that the House would now read it a second time.

MR. DARBY GRIFFITH said, the danger of collusion was in cases where the wife had the doubtful boon given to her of obtaining a divorce, and that both the hon. and learned Attorney General and the hon. and learned Gentleman (Mr. James) had left that danger entirely out of their consideration.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month."

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 43; Noes 11: Majority 32.

Main Question put, and *agreed to*.

Bill read 2^d.

THE ATTORNEY GENERAL *moved* that the House do at once go into Committee on the Bill.

(In the Committee.)

Clauses 1 to 4 *agreed to*.

Clause 5 (Court may, where One Party only appears, require Counsel to be appointed to argue on the other Side).

THE ATTORNEY GENERAL proposed Amendments empowering the Court, in every application for a dissolution of marriage, to direct the necessary papers to be sent to the Queen's Proctor, who, under the direction of the Attorney General, should instruct counsel to argue any question which arose in relation to such divorce.

MR. MALINS said, he saw no objection to the Amendments.

MR. M'MAHON remarked, that the Court would be involved in difficulty by the proposition. If decisions were given when only one side was heard, the judgment was taken to be *ex parte*; but if the Attorney General directed a question to be argued the decision would be regarded as an authoritative judgment.

MR. EDWIN JAMES thought the proposition was a wise safeguard.

Clause, as amended, *agreed to*; as were the remaining clauses.

MR. MALINS said, he thought the subject was of too much importance to settle finally at the end of a Session and in so thin a House. In order, therefore, that there might be an opportunity afforded for further consideration of the question, he proposed a clause declaring that the Act should continue in force until the 31st July, 1861, and no longer.

THE ATTORNEY GENERAL said, he could not for a moment admit that the House, as at that moment constituted, was inadequate to the proper consideration of the measure. He thought, however, it would be right to have the results of the altered arrangements with respect to the Court before Parliament. It would be twelve months before they could ascertain the effects of the measure. If, then, the hon. and learned Gentleman would alter his clause so as to make the period for the existence of the Act the 31st July, 1862, he should assent to it.

MR. MALINS expressed his willingness to adopt the suggestion.

Clause, as amended, *agreed to*.

MR. AYRTON said, he had been taken by surprise by the Bill being brought into Committee so soon after it had been read a second time, and he, therefore, was not prepared with a clause he had intended to propose. Before the constitution of the Divorce Court all questions of divorce were disposed of in the House of Lords, and gave employment to the ex-Lord Chancellors. As they were now receiving pensions without giving any adequate return, he thought they ought to sit in the Divorce

Court and give assistance when required, in the same way as they used to do in the House of Lords. By that means the present large arrears of business would soon be disposed of, and the recurrence of a similar state of things would be prevented. Such would have been the effect of the clause he had intended to propose; but he trusted, as he was unable now to pursue that course, the hon. and learned Attorney General himself would add such a clause.

THE ATTORNEY GENERAL said, he thought it was only necessary to state, in reply to the hon. Gentleman's suggestion, that with the exception of that venerable Peer, Lord Lyndhurst, whose advanced age would afford ample reason for the exception, every ex-Lord Chancellor had sat in the House of Lords deciding appeals five days out of every week since the 1st February last. He thought this would be admitted by the House to be an adequate return for the pensions they received.

MR. MALINS said, considering the number of cases, and the difficult questions dealt with by the ex-Lord Chancellors in the House of Lords, it must be admitted that they not only did plenty of work, but they worked like slaves.

House resumed.

Bill reported; with Amendments; as amended, to be considered *To-morrow*.

UNION OF BENEFICES BILL.

THIRD READING.

Order for Third Reading read.

MR. MALINS said, that on the part of the lay impropriator of the tithes of Great St. Helens, he wished to correct a misstatement which had been made by the hon. Member for Bath (Mr. Tite), in reference to the amount of the tithes. It had been stated that the tithes had been purchased for the sum of £3,000—that the income was £1,700 a year, and that some of the tithes had been raised from 15s. to as much as £10 10s. Now he held in his hand a statement of the gentleman to whom reference had been made, from which it appeared that he had held the property for thirty-five years; and the income, instead of being between £1,600 and £1,700, was only £350. He was entitled to charge 2s. 9d. in the pound for tithes, but he had never charged more than 1s.; and although he was a member of the legal profession, he never had a lawsuit with any one in reference to his rights. He was quite sure the hon. Member for Bath had made the statement under a misappre-

Mr. Ayrton

hension as to the facts, and would be glad to remove the erroneous impression which had been created.

MR. TITE said, he had spoken of two parishes, and it was in the other parish where the litigation existed, and where the income was as stated. It was not denied that the gentleman had purchased the rectory for a very small sum.

MR. MALINS: At a public auction, for, in reality, the sum of £6,500.

MR. TITE said, the rector was paid only £20 per annum by the lay impropriator, and he had himself, when churchwarden, gone round the parish to raise a sum for him for additional remuneration. He had merely stated the income of £1,000 per annum, and the facts as they were believed in the parish, but he begged it to be distinctly understood that he had also spoken of the forbearance of the gentleman to whom reference had been made by the hon. and learned Member. He was, however, glad to hear the correction now made, and would take care that the matter was explained where it was more important than in that House.

Bill read 3^d and passed.

MINES REGULATION AND INSPECTION BILL.

LORDS' AMENDMENTS.

MR. AYRTON said, he rose to propose an Amendment upon one of the Lords' Amendments, which had seriously altered the Bill as sent from the House of Commons. The Commons provided that a child on entering a mine should be able to read and write, and also made an arrangement by which the child should be enabled to keep up that knowledge. The Lords, however, had altered the enactment in the original Bill, and had provided, with respect to children under twelve years of age, that it should not be absolutely necessary that they should have any education before entering the mines, and that upon entering, if not able to read and write, they should have twenty hours' schooling in a month. Such a provision was perfectly illusory, for, at any rate, care ought to be taken that the instruction should be diffused equally through the month. He proposed, therefore, to leave out the words "twenty hours" in the Lords' Amendment, and to insert "three hours a day for two days in each week."

MR. CLIVE said, he concurred in the Amendment proposed by the hon. Mem-

ber for the Tower Hamlets. The House of Commons had carefully considered the clauses of the Bill during sixteen hours, and the whole of their work was undone by the House of Lords in sixteen minutes; and the result was not beneficial or judicious with respect to the mining interest. It also conflicted with the evidence in the reports of the inspectors, and with the experience of the working of the system of education which had been proposed in some of the Scotch mines, where it had been adopted with the best success. By the Amendment of the Lords a child not educated was to be educated by the mine-owner, but the mine-owner was not bound to keep up the education of a child who entered his mine educated. The provision appeared absurd. With regard to other Amendments of the Lords, he asked the House to agree to them, simply because he had no other alternative, and because the mining population considered the Bill an improvement on the last Act.

MR. CRAUFURD said, he hoped the Amendment would be agreed to, as it had come down from the Lords.

MR. KINNAIRD said, he was glad the Government had expressed their regret at the injury sustained by the Bill in the other House. He regretted the exclusion of iron-stone mines, and expressed a hope that the right hon. Gentleman the Home Secretary would appoint a Commission during the recess to inquire into that matter.

SIR GEORGE LEWIS regretted that the education clauses had not been retained as they were passed by that House after due consideration. The Bill had undergone a material change for the worse in the other House. Perhaps it would be better to leave the Bill as it had come from the Lords, but he was willing to accept the Amendment proposed by the hon. and learned Member for the Tower Hamlets, though it was one of very slight importance. It would be the duty of the Home Department to keep its eye fixed upon the operation of the Bill, and if the securities taken for the education of the children employed in mines should be found not sufficient the Home Secretary for the time being would doubtless call the attention of Parliament to the subject. The question of iron-stone and other mineral mines unconnected with coal measures was one that would require investigation. He would not pledge himself as to the precise time or mode of inquiry, but the sub-

ject would receive the consideration of the Government during the recess.

Committee appointed, "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed." SIR GEORGE LEWIS, MR. CLIVE, MR. AYRTON, and MR. KINNAIRD :—

To withdraw immediately. Three to be the quorum.

LANDLORD AND TENANT (IRELAND) BILL.

LORDS' AMENDMENTS.

Lords Amendments considered; several agreed to; several amended, and agreed to; and several disagreed to.

Committee appointed, "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed." MR. CARDWELL, MR. ATTORNEY GENERAL for Ireland, THE JUDGE ADVOCATE, and MR. CLIVE.

To withdraw immediately. Three to be the quorum.

FORTIFICATIONS.—ADDRESS MOVED.

SIR DE LACY EVANS said, he rose to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct to be carried into effect the recommendations of the Royal Commission on the National Defences, in paragraphs 156 and 158 of the report to Her Majesty for the construction of a fortified work on Shooter's-hill calculated for a garrison of 1,500 men, to assist in the protection of Woolwich Dockyard and Arsenal, and as an important element in the means of defence for the Metropolis; also praying that Her Majesty will be graciously pleased to direct that a Royal Commission be appointed to examine and report to Her Majesty on the lines of march available to an invading army advancing against London, on the obstacles or positions which may be occupied or prepared to obstruct or defeat an enemy on these lines of advance, and on the *points d'appui* or support of the national forces in their operations or manœuvres in the vicinity and for the defence of the Metropolis of the empire."

He rose under very considerable disadvantage to bring forward this important subject; but, as he intended to be as brief as possible, he hoped that he would be permitted to make his Motion. As the noble Lord at the head of the Government was aware, it was no fault of his that the question came on at that particular moment. The first part of his proposition referred to the fortified work on Shooter's-hill, which was recommended by the Royal Commissioners. That recommendation however, the Government had entirely omitted from

their scheme; and it was now his wish, as his own opinion fully coincided with that of the Royal Commission, to induce the Government to reconsider their decision. His second proposition was for an inquiry into the lines of march available to an invading army advancing against London, and the measures to be taken for defeating an enemy on those lines. Although no express recommendation was made by the Commissioners on that point, yet on examining their report it would be found that the institution of such an inquiry would be in accordance with their views, and he trusted the Government would recognize the expediency of appointing a Royal Commission for that purpose. The National Defence Commission had evidently felt themselves precluded from entering upon such an investigation. The original instruction they received from the Government contemplated a comprehensive inquiry into the general question of our national defences; but subsequently a letter was addressed to them by the Secretary of State for War, directing them to confine their attention to the arsenals only. It was a pity that that restriction had been imposed upon them, and although the Commissioners were obliged to act upon it, they nevertheless adverted to it in more than one part of their report. He conceived that the establishment of a fortified work on Shooter's-hill, which the Commissioners strongly recommended, was a matter of great importance to the safety of the country, and especially of the Metropolis. It was rather remarkable that while the Commissioners had suggested the execution of extensive works in all our other arsenals, and the Government had, with certain very judicious modifications, adopted those suggestions, on the other hand, the adoption of this further recommendation of the Commission, which also related to a most important arsenal and dockyard, had been postponed, by the Government *sine die*. As Parliament was about to separate for probably five or six months, he was therefore anxious to draw the earnest attention of the Government to the expediency of leaving Shooter's-hill and Woolwich wholly without defences. What he now proposed would not necessarily involve any additional outlay of public money. His hon. and gallant Friend the Member for Chatham (Sir Frederick Smith) and himself had expressed their opinion that some of the proposals of the Commissioners were unduly expensive.

Sir De Lacy Evans

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at Eight o'clock.

HOUSE OF LORDS,

Friday, August 24, 1860.

MINUTES.] PUBLIC BILLS.—1^a Highways; Statute Law Revision.

2^a Roman Catholic Charities; Consolidated Fund (Appropriation); Exchequer Bonds or Bills (£2,000,000); Militia Pay.

STATUTE LAW REVISION BILL.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR rose, pursuant to notice, to call the Attention of the House to the Measures of Law Reform introduced into this House:—My Lords, I have to ask your Lordships to give a first reading to a Bill which has been framed expressly to repeal a great number of statutes. There is no idea that the Bill should be proceeded with during the present Session of Parliament; but the wish is that it may be read a first time, in order that it may be printed and circulated, and that your Lordships may be prepared to consider it when Parliament shall meet again. There is now going forward what is called an expurgated edition of the statutes—an edition, that is, leaving out all those statutes which have been repealed, or have expired, or have become obsolete. With respect to the statutes that have been expressly repealed, there is, of course, no doubt whatever: but there are a great many statutes that have been only impliedly repealed; for a most vicious system of legislation has prevailed of declaring all statutes repealed which are inconsistent with the enactments of the particular measure which may be under consideration at the moment. Hence it is very difficult to say what particular statutes are in force and what have been repealed. We have most laboriously attempted to distinguish between them; but there is a difficulty about it, and to be certain, a Bill has been prepared expressly repealing all statutes which have not before been expressly repealed, so that they may be safely omitted from any future edition of the statutes, and then the statutes which are now so bulky will collapse into a very moderate size. I hope, therefore, your Lordships will allow this Bill to be read a first time.

Permit me now to call your Lordships' attention to the Bills that I have introduced during the present Session of Parliament with a view to legal reform. Deep disappointment has been expressed, and loud complaints have been made and re-echoed that the present Session has been a complete failure with respect to law reform. I admit that a good deal more might have been expected than has been accomplished; but at the same time I think the expectations were exaggerated, and the description of the failure is very much overcharged. I impute no blame to any party or any individual that the full expectations which were entertained have not been realized. I shall ascribe it to adverse and inevitable circumstances. But I can take no blame to myself, and I am sure your Lordships are free from all blame, for you have in the most exemplary manner received all proposals for legal reform which have been made during the Session, and have done all in your power to carry them into effect. With your Lordships' permission I shall briefly mention the Bills that I myself have had the honour to introduce. They are no fewer in number than sixteen. Some of them have passed, others only await the Royal Assent; but others, I am sorry to say, have not succeeded elsewhere, and must await some more favourable opportunity for becoming the law of the land. The first Bill I had the honour to introduce was called the Court of Chancery Bill, and had for its object to enable me to discharge the remaining Masters in Chancery and to do away altogether with the system of having such officers. It is wonderful that the institution of Masters in Chancery should have continued so long. At last, however, a Bill was brought in for its abolition; but, still, the abolition was to be gradual, and the Masters were to be released from time to time. Several of them still remain, and it was found necessary to make provision for the performance of the duties discharged by them, and, likewise, the staff of clerks allotted to the Master of the Rolls and the Vice-Chancellors was found to be insufficient. It had been arranged that those clerks should do, under the auspices and by the direction of the Master of the Rolls and Vice-Chancellors, what ought properly to have been done by the Masters in Chancery; and the Bill I had the honour to introduce was to enable that new system to be carried into effect. I am happy to say that the Bill has received the concurrence of the other

House, with a few unobjectionable Amendments, to which I shall ask your Lordships to agree, and it only awaits the Royal Assent to become the law of the land, when I have no doubt it will be productive of very beneficial results. The next Bill which I had the honour to introduce was called the Companies Bill. It was a Bill consolidating all the Acts of Parliament respecting joint-stock companies, and regulating everything connected with those companies from their original formation until they are finally wound up. That subject has been under the care of several successive Governments. The Bill was, I believe, most elaborately prepared. I did what I could to improve and perfect it, and I entertained the hope that it would now without difficulty have passed through both Houses of Parliament. Your Lordships entirely approved it; both sides of the House concurred in passing it; we sent it down to the Commons on the 5th of March: but although it was very frequently on the Orders of the Day it was not reached until almost the end of the Session. As it had been so elaborately prepared I was in hopes that it might be taken almost in confidence, and that the object which successive Governments have had in view would at last be accomplished. However, when the day arrived on which it was to be read a second time, objections were made, and it was thought necessary to withdraw it. A more serious disappointment still was experienced in connection with the Bills which I next introduced. They were seven in number, and their object was the consolidation of the criminal law. That undertaking had been going on for many years under successive Chancellors, but finally under the auspices of my noble and learned Friend Lord Cranworth, when he presided over the Statute Law Commission, and subsequently under my own superintendence. The great object was that the criminal law of Ireland and the criminal law of England should be assimilated. It at first seemed a very difficult undertaking; but eventually, I believe, the difficulties were completely overcome. Your Lordships appointed a Select Committee to consider the Bills, seven in number, which I introduced. That Select Committee consisted of all the law Lords and of a considerable number of lay Peers, Chairmen of Quarter Sessions, and others who had paid great attention to the administration of justice, and who were in every way competent to give material assistance in perfecting these Bills. After sitting a

good many days we got through the whole of them ; we reported them to the House ; your Lordships passed them, unanimously, and I was in hopes that they would succeed in the other House of Parliament. It is vain to think of codifying or consolidating if an immense volume of positive law is to be considered in detail by a large deliberative assembly. No code ever was or can be so considered. Confidence must be reposed in a certain number of persons who are competent to the task ; and if a great number of Bills, with an immense multitude of clauses in each, are to be debated in a Committee of the Whole House of Commons, I despair of consolidation or codification. I had most flattering promises from many Members of the other House. Trusting to those promises, I supposed that we had at last accomplished our object ; but when the time arrived for the trial there were certain Members of the House of Commons who thought that all these Bills ought to be canvassed clause by clause in a Committee of the Whole House ; the necessary result of which was that they were withdrawn. I was deeply mortified at that result, because I am not able to foresee the time when, if such a course be adopted, any consolidation of the statute law can be adopted. The next Bill which I introduced was on a much smaller scale, and had a happier success. Its object was the administration of the law in regard to the administration of poison. As the law stood, unless death resulted from the administration of poison, or poison was administered with the intention of causing death, its administration was no crime ; and the object of my Bill was to enact that the administration of poison with the intent of endangering life, or doing bodily harm, should be a felony ; if with the intention of annoying or injuring it should be a misdemeanour. That Bill was rapidly passed, and in a few weeks it received the Royal Assent. The next Bill that I introduced to your Lordships was the Law and Equity Bill, and its objects were to enlarge the equitable jurisdiction of the Courts of Common Law so as to enable them to decide any question of equity which might incidentally arise, and to improve what I may call their pure procedure. The first part of that Bill, although recommended by the Common Law Commissioners, was disapproved by a majority of equity Judges and by Members of your Lordships' House for whom I have a sincere respect. After a most able and permanently valuable memorial in its

The Lord Chancellor

favour from the Lord Chief Justice of England, Sir Alexander Cockburn, and two of his colleagues, recommending all its provisions, it was referred to a Select Committee, when a number of clauses, upon which I set great value, were rejected, and it was, in my opinion, materially mutilated. At the same time, by the clauses which were retained, the equitable jurisdiction of the common law courts was so extended as to enable them to release from forfeiture for non-payment of rent, or non-insuring, and also with respect to the proceeding of interpleader—an alteration which has been found most beneficial. All the clauses of the Bill respecting common law procedure were agreed to, and in this partially damaged state the Bill was sent to the other House. It has been approved by that House, and now waits for the Royal Assent ; and I will venture to say that by that Bill alone, damaged as it is, more is done to improve the administration of justice in the courts in Westminster Hall than was done by all the Acts which were passed in the sixty years' reign of George III., the longest in the history of this country. In those days legal reform was not thought of, and the object of all the Bills which were passed was to create new felonies and render our penal code more rigorous. The object of the next Bill was to put an end to the most scandalous abuse which had arisen, of English bankrupts going to Scotland for the purpose of there getting rid of their liabilities. My attention was first drawn to this subject when I happened to be at Tobermory in the Hebrides. In that place I found a number of Englishmen, and to my astonishment I was told that they were bankrupts who had come there to be "whitewashed." They amused themselves for forty days in grouse shooting and deer stalking, and then petitioned the Sheriff or the Court of Session to be discharged from all their engagements. It was found that the Courts of Scotland were bound to take cognizance of these cases ; and my Bill provided that in all cases in which the majority of the creditors did not reside in Scotland the Courts might stop these proceedings by dismissing the petition. I am happy to say that that Bill passed both Houses, and has received the Royal Assent. The next Bill had for its object to facilitate the despatch of business in the Divorce Court, and to provide for the more effectual prevention of collusive divorces. It enabled the Judge Ordinary himself

to dispose of cases of divorce in which he required no assistance, and to call in assistance whenever he thought it advisable. It also empowered the Queen's Proctor to employ the Attorney General or the Queen's Advocate to investigate cases in which suspicion of collusion was entertained. That Bill was sent down to the other House at an early period of the Session, but, owing to the state of business, for some time remained untouched. At last, when it had undergone a thorough examination by the microscopic eyes of some Members of the House of Commons, it was discovered that it infringed the privileges of that House. And here I must take leave to say that upon this occasion the House of Commons has behaved in the handsomest and most liberal manner. The Speaker delivered a most admirable and lucid judgment, in which he declared that there had been an infringement of the privileges of the House; and such an infringement I must admit that there had been, because one clause of the Bill provided that the Queen's Proctor should be paid his fees as the fees of his office, which, as it turned out, are paid out of the Consolidated Fund. I must admit that that was a breach of the privileges of the other House. It was done incautiously, and I cannot take much blame to myself for it, as it escaped the vigilant eyes of those who assist us in detecting what are called "privilege clauses." The House of Commons, instead of, as they would have been fully justified in doing, rejecting the Bill, have, in the handsomest manner, seeing that there was no intention on the part of this House, or of any Member of it, to infringe their privileges, allowed the Bill to pass, making an entry on their Journals that this is not to be drawn into a precedent. The Bill has passed, and now awaits the Royal Assent. The next measure to which I will allude is the Endowed Charities Bill, in the bringing in and carrying through of which I was exceedingly indebted to my noble and learned Friend who sits opposite (Lord Cranworth), who formerly introduced a Bill of very much the same nature. That measure enlarges the jurisdiction of the Charity Commissioners, and enables them to carry on the administration of small charities without any application whatever to the Court of Chancery. The peculiarity of this tribunal of the Charity Commissioners is that its proceedings are unattended with any fees or any expense whatever. With

all my respect for the Court of Chancery, I cannot pay the same compliment to that illustrious tribunal. By reason, then, of the enactments to which I refer, these Charity Commissioners, who are men of great learning, ability, assiduity, and zeal, are now empowered to appoint trustees, make orders as to leases, and do all that is necessary for the administration of these charities without going to the Court of Chancery—a formality which used to produce great delay and much waste of the charity estates. The only other Bill with the history of which I have to trouble your Lordships is a Bill to authorize the Lord Chancellor, with the assistance of the other Equity Judges, to carry into effect the recommendations of the Commissioners who were appointed to consider the mode of taking evidence in equity suits. The appointment of that Commission was recommended to my noble and learned Friend Lord Lyndhurst, and it has made valuable reports. It was thought that the Lord Chancellor, by the authority of former Acts of Parliament, or by the inherent authority of the Court, might have carried those recommendations into effect; but my noble and learned Friend Lord St. Leonard's entertained a different opinion, and accordingly, I introduced a measure which was not only approved by your Lordships, but which was passed by the other House of Parliament; and I have the satisfaction of saying that we have made great progress in carrying out the recommendations of the Commissioners. I have no doubt that at the end of the long vacation orders will be framed and published, under the authority of the Lord Chancellor and the Equity Judges, by which those recommendations will become binding on the practice of the Court, and will be attended with very considerable advantage to the public. My Lords, there is another Bill, which is, however, still before the House of Commons, and of which, as its fate yet remains in the balance, it therefore does not become me to say much. I mean the measure which proposes to enact that when a divorce *a vinculo matrimonii* has been duly pronounced by the Scottish Courts, it shall be held equally valid all over the island, instead of being valid only in one part of it. The Bill, as sanctioned by your Lordships, also provided, in order to give due solemnity and weight to the proceedings of the Scottish Courts in pronouncing divorces, that they should only take cognizance of those cases in which the parties are domiciled in

Scotland ; thereby putting an end to that most discreditable practice of pronouncing sentence of divorce where the parties come into Scotland for the purpose of procuring the divorce and of committing the very act upon which the application for it is founded. My Lords, if the other House of Parliament shall be pleased upon reconsideration to admit the two clauses which they at first expunged from this measure I shall rejoice, as a very great improvement will thus be effected in the law both of England and Scotland ; but should the House of Commons, unfortunately, do otherwise, still, my Lords, I think I have shown that there have been various measures passed through this and the other House of Parliament, and which will become law on the Royal Assent being given, by means of which great benefits will be conferred on the country.

I must likewise observe that other noble and learned Lords, Members of this House, have introduced important measures of a similar character. The noble and learned Lord behind me (Lord St. Leonards) brought in a very valuable Bill, which has become law, for the amendment of the law of property. My noble and learned Friend opposite (Lord Cranworth) also introduced a measure which has received the approval of the other House, called the Trustees and Mortgagees Bill. My noble and learned Friend Lord Brougham has likewise proposed further improvements in our legal system. These facts, I think, prove that it is a monstrous exaggeration to say that this Session has been a total failure in respect to law reform.

I will now draw attention for a moment to what your Lordships have done, not in your legislative but in your judicial capacity; and I am happy to state that by the assiduous and devoted co-operation of the law Lords the legal business of this House is now in a more satisfactory state than it ever has been hitherto. I remember the time when there were such arrears that an appeal stood for years and years on your Lordships' list before it could be disposed of. Recently there has been a very great improvement. The usual course has been to dispose, if possible, of all the appeals set down for hearing before the Session began by the time Parliament was prorogued ; and I believe, although great efforts have been made, that has hardly ever been accomplished. But I am happy to say that during the present year we have been able to dispose, not only of all appeals

set down for hearing before the commencement of the Session, but also of several appeals which were set down while Parliament was sitting. During the present Session the House has disposed of fifty-two appeals, some of them of very great interest ; and there are now only twenty-four waiting to be heard, which will have to be tried at the beginning of next Session. It used to be said that Chancery suits never came to an end. As a specimen of the despatch with which business is now done, let me mention a single case, one in which the Westminster Palace Hotel Company was concerned. That joint-stock company have constructed for an hotel a large building, part of which they let to Sir Charles Wood, the Secretary of State for India, for the purpose of conversion into a Government office for a time. That arrangement was objected to by certain of the shareholders ; and on the 17th of May in the present year a Bill was filed by which this Chancery suit was begun. The cause was heard before Vice-Chancellor Page Wood on the 31st of the same month, and a decision given in favour of the defendants. There was an appeal from that judgment to the Lords Justices, which was heard on the 11th of June. The Lords Justices were divided, and therefore the decision of the Vice-Chancellor remained undisturbed. There was then an appeal to the House of Lords, which came on to be heard on Monday, the 6th of August. It was heard on that day, and on the 7th—or the very next day—it was finally disposed of. Thus the entire litigation was begun and ended between the 17th of May and the 7th of August of the same year. That state of facts, I think, scarcely justifies complaint of the tardiness of judicial proceedings. I will not, my Lords, attempt to chalk out what may be done in a future Session of Parliament, but I will say this, that if I have then the honour to hold the office which I now fill, and if it please God to give me health and strength, I shall endeavour to do my best to follow up the path of law reform, and to expedite the judicial business of your Lordships' House. On the other hand, if, as may very well happen, another should succeed me, I will most cordially co-operate with him in the performance of his judicial duties and the promotion of his law reforms.

The noble and learned Lord then *presented* a Bill for repealing divers Acts and Parts of Acts which have ceased to be in force ; and moved that it be read 1st.

The Lord Chancellor

LORD ST. LEONARDS said, he hardly knew whether to congratulate his noble and learned Friend on the woolsack upon what he had accomplished, or to condole with him upon what he had failed to achieve. As regarded the Court of Chancery, certainly not much had been done this year. The Bill to which his noble and learned Friend had first called attention was one of a very slight character, because the Masters in Chancery had already been dismissed under previous legislation, and there was only one of those officers now left. As to the Bill which had been founded on the Report of the common law Judges, who were appointed to consider the procedure of the law Courts, and who proposed to transfer to themselves every part of the jurisdiction of the Court of Chancery—he took the liberty of pointing out that there were several requisites they could not fulfil; they had not the time, they had not the knowledge, they had not the practical experience, they had not the machinery for the performance of those duties. After considerable examination up-stairs, those clauses which, in his opinion, would have done much mischief, were omitted; and the remaining clauses, which related to common law procedure, including two or three clauses, which were very innocent, were passed into a law. Another Bill, which had been referred to by his noble and learned Friend, was introduced and passed to give effect to the Report of the Commissioners appointed to inquire into the mode of taking evidence in the Court of Chancery. That Bill made a very great change indeed in the Court of Chancery. In his opinion, however—but he differed from his noble and learned colleagues on the subject—if carried into effect, it would disorganize that Court, and form a great obstacle to the despatch of business. It enabled, for the first time, any suitor to require the Court of Chancery to hear oral examinations of witnesses; and, there being two Examiners whose income had been very much increased in consequence of the greater duties at present imposed on them, the result of carrying this last Act into execution would be to make their office a sinecure; for if parties went before the Examiners, their statement would have only the effect of an affidavit, and no one would go before them to make an affidavit. So far as regards the Court of Chancery, therefore, not much had been done in the way of beneficial reform. Indeed, it did not require much to be done. He believed it was working ad-

mirably, the excellent Judges who were presiding there giving their time and attention to their duties in a way which well entitled them to receive the approbation of the country. With respect to the consolidation of the criminal law, undoubtedly a vast deal of time and attention had been bestowed on it. His noble and learned Friend had alluded to his own exertions on that subject; but he should remember that they had all had their share in the labour. When he (Lord St. Leonards) was on the woolsack in 1852, he undertook the consolidation of the criminal law, and had bestowed much time and research on the subject. He had papers on the subject which would require a strong man to lift. He would stake his existence that the Criminal Law Bills now before the House of Commons had cost the country not less than £100,000. They had been the subject of Commissions and Reports, Bills drawn, Bills put on one side, contemplated improvements, for the last thirty years; and really, unless they were taken by either House with something like confidence in the powers that be, they would never be passed. He was to some extent responsible for these Bills, having, when sitting on the other side of the House, served on a Select Committee to whom they were referred with Lords Lyndhurst, Brougham, Truro, Cranworth, and the Lord Chief Justice (now Lord Chancellor). They proceeded very laboriously and successfully with their investigations till they came to a definition of "murder." Sir Edward Coke's definition was thought so imperfect that no one would adopt it. Every Member of the Committee tried his hand at a definition of his own, but without meeting the general acquiescence; and at last his noble Friend, then Lord Chancellor (Lord Cranworth), committed something like a murder on the Committee itself by issuing a Commission to consider the subject, thereby virtually bringing the Committee to an end. As to the other measures to which his noble and learned Friend had referred, he entirely disapproved of the Bill with reference to the Divorce Court, and he believed if such a measure had been proposed when the Bill for the establishment of that Court was before their Lordships, not one of them would have voted for it. When the original Bill was in Committee, he told them that he was perfectly satisfied that the great names and offices of the associated Judges rendered it a mere delusion to suppose that the Divorce Court would

ever have their services ; and the sequel proved he was right : they did not attend : and now this Bill was introduced to transfer the power of the full Court to the Judge Ordinary. If it had been originally proposed to give the power of granting divorces to a single Judge, he was satisfied that Parliament would never have listened to it. He did not wish to detract from the credit to which his noble and learned Friend on the woolsack was entitled for law reform ; but he must say that much in that way had not been accomplished. He thought if there was anything to be deprecated it was an excess of legislation, particularly on law reform. Sound law reform was, indeed, of the utmost importance ; but it was very seldom they could get men to agree as to what was law reform. Alterations of the Courts were easy enough, especially when accompanied with expensive compensations and other such arrangements—they went down very easily ; but real law reform—beneficial alterations of the law—were the most difficult things possible to accomplish. These observations would show how little had really been accomplished. His noble and learned Friend had also in the course of his speech referred to the position of the judicial business, both in the Court of Chancery and in that House, as being highly satisfactory ; but it was hardly fair, he thought, to institute a comparison on the point between the present and former times, inasmuch as ever since the Lords Justices of Appeal had been appointed, and since the Court of the Master of the Rolls had been made a Court always sitting, the business of the Courts of equity had taken a different course from that on which it formerly proceeded. The consequence of that change was that the Lord Chancellor was able to afford a degree of attention to the business brought before their Lordships which he had not previously been able to bestow. His noble and learned Friend, in illustration of the despatch with which cases in the Court of Chancery were adjudicated, had instanced the case of the Westminster Palace Hotel Company ; but it must be borne in mind that that was a case in which no evidence was required to be adduced, the question at issue turning upon the construction of a single word, and that many such cases were constantly decided with trifling delay. It remained for him simply to thank his noble and learned Friend on the woolsack for what, during his period of office, he had accomplished in the direction of law reform.

Lord St. Leonards

LORD CRANWORTH said, his noble and learned Friend who had just spoken had twitted the noble and learned Lord on the woolsack with not having done more to effect a reformation in the procedure of the Court of Chancery ; but the fact was that very little was in that respect required to be done, and nothing could, he thought, be more mischievous than that the Lord Chancellor should introduce measures to the notice of Parliament with the view of effecting alterations which were not called for. He did not agree that nothing had been done for the improvement of the Court of Chancery. By means of the new system of taking oral evidence in the Court of Chancery, a very useful Reform had, in his opinion, been imported into its proceedings ; for there could, he thought, be no better mode of ascertaining the truth before any tribunal than that of summoning the parties interested in a suit before the Court, and hearing what they had to say in the matter. With respect to the proposal to give the common law Courts a co-ordinate jurisdiction with equity Courts in disposing of the great bulk of equitable business, he was strongly of opinion that although the common law Judges might in a short time fit themselves for the satisfactory discharge of the duties which the carrying of such a measure into effect would cast upon them, yet they did not, as at present constituted, possess the requisite machinery to deal with such business in a manner so adequate to its proper discharge as the Court of Chancery, which was supplied with a staff of officers to keep accounts, make the necessary inquiries with reference to heirs at law, next of kin, and other matters. If it were proposed to furnish the common law Courts with such machinery, the question of giving them a co-ordinate jurisdiction in equitable matters assumed, of course, another shape ; otherwise the proposal to confer upon them such jurisdiction was one to which, notwithstanding it might have very high authority in its favour, he could not give his assent. Having said thus much with regard to the Court of Chancery, he might be allowed briefly to observe that what had occurred in the case of the Criminal Law Consolidation Bills ought not to be lost sight of ; much good had already been done, and the lesson should not be thrown away. In his opinion the best course to take in those instances, in which extensive consolidation with Amendments was contemplated, being, in his opinion, to introduce all the Amend-

ments in the first place, and then to proceed with the work of consolidation. In conclusion, he would simply remark, while congratulating his noble and learned Friend on the mode in which arrears of judicial business had been got rid of, as contrasted with the state of things in previous Sessions, that the fact of such arrears existing was not to be attributed to any fault on the part of his immediate predecessor (Lord Chelmsford), or of his own (Lord Cranworth's), so much as to the circumstance that a great portion of the best time of the year for the despatch of such business had been consumed in general elections.

Bill read 1^a.

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENTS BILL. COMMITTEE.

Order of the Day for the House to be put into a Committee *read*.

Moved, That the House do now resolve itself into a Committee on the said Bill.

THE MARQUESS OF NORMANBY said a few words in justification of his vote on a previous occasion against the proposition for suspending the Standing Order, in order to allow the Bill to be proceeded with. Considering that two months were allowed to elapse since the Bill went into Committee in the House of Commons, he did not think that the measure had been treated as if it were one of urgency.

LORD REDESDALE said, that the measure enacted that Savings Banks money might be invested in any Parliamentary funds, and this had led to an impression in some quarters that this might include railway and other similar securities. He apprehended that this was not what was intended.

EARL GRANVILLE said, there was not the slightest ground for supposing that the Bill authorized investment in any such securities. The intent of the Bill plainly being that the investment should be only in securities which were guaranteed by Parliament.

LORD ST. LEONARDS thought that this Bill required great consideration, however urgent it might be, for nothing could be more dangerous than for Government to make any alterations which might alarm people in reference to the safety of the investment of the money which they had deposited in savings banks. The object which the Bill had in view was the making of a profit by investing the savings-banks money.

EARL GRANVILLE dissented; the intention was to prevent a loss, not to make a profit.

LORD ST. LEONARDS: It was to be allowed that the money should be invested in any of the class of securities named which would secure a profit.

EARL GRANVILLE referred to two returns of the particular funds in which the investment could be made, all of which funds were guaranteed by Parliament.

LORD ST. LEONARDS repeated that great caution was required, for in some of the securities named, though the interest was guaranteed by Parliament, the principal was not. There were many of the funds mentioned in the second return in which a prudent man would not invest his own money; and, therefore, the Government should not invest in them moneys which they held in trust. His objection was that they ought not to allow the Chancellor of the Exchequer to invest these funds at his pleasure. It was true that he might get a higher interest, but the depositors would only be paid at the usual rate. Everybody knew that high interest meant bad security; so that whilst the depositors got worse security their interest remained the same.

LORD MONTEAGLE thanked the noble and learned Lord for his statement. He retained the opinion which he had originally expressed with regard to this measure; and he did so with the more confidence, because he was supported in it by the high authority of the noble and learned Lord. That noble Lord had repeated and confirmed his (Lord Monteagle's) assertion that higher interest represented a worse security, and therefore could not with any justice be described as favourable to the party investing. He had been reminded on a previous occasion by the noble and learned Lord on the woolsack, that funds in the Court of Chancery were now allowed to be invested in the securities in which it was the object of this Bill to permit the investment of savings-bank moneys. It was true such a clause had been introduced without explanation into a Bill which had passed their Lordships' House. It was done elsewhere. But it formed no precedent for the Bill now on the table. He very much regretted that the investments under the authority of this Bill were not to be as cautiously guarded as were those which were made by the direction of the Court of Chancery. The Bill of last year required a previous approval of the Judges

in the Courts of Equity. The power of the present were vested absolutely in one political officer, the Chancellor of the Exchequer. There was most important amendments which he would now venture to explain and to propose. He had already informed their Lordships that there were now in existence many banks which falsely assumed the title of savings-banks without having any right thereto, the rules of which had not been certified, and the funds of which banks never came into the hands of the Commissioners of the National Debt. The depositors in these fictitious banks were liable to be misled and defrauded by this deception, and he had, therefore, to meet the evil, prepared a clause which he entreated their Lordships to accept. It was introduced three years ago into a Government measure, and had received the sanction of Sir Alexander Spearman, the Comptroller of the National Debt, and of the law advisers of the Savings Banks Commissioners. It had also the high authority of his hon. Friend Mr. Hubbard of the Bank of England. It had been suggested that such a provision did not quite come within the terms of this Bill; but that difficulty might easily be avoided by the insertion of a few words in the title. The importance of this clause was so great that he trusted their Lordships would not allow a merely formal objection to prevent its being added to the Bill. The effect of the clause would only be to prohibit a fraud and to guard innocent depositors from certain loss.

EARL GRANVILLE said, he thought the observations that were made were, in his opinion, calculated to suggest suspicion in the depositors of savings banks, without any just cause whatever. There was no foundation for the opinion that the smaller stocks were less secure than the greater ones. The interest upon the whole of them was equally guaranteed by Parliament until the principal was paid. The only difference between the two classes of securities was, that the one might be more convenient than the other for purposes of investment. The noble Lord (Lord Monteagle) the other evening had talked of dealing with £40,000,000 of money belonging to the savings banks; but it should be remembered that these minor securities did not amount to more than £6,000,000 or £7,000,000. With regard to the clause suggested by the noble Lord, he regretted that he could not agree to its insertion. He had not a word to say against the clause

Lord Monteagle

in itself, for he thought it a very good one; but it was not consistent with the scope and character of the Bill. The noble Lord, having prevailed on their Lordships once to vote that this was not a measure of urgency, could hardly now plead urgency in favour of his own clause.

LORD REDESDALE said, his objection to this Bill was, that it would open a door to further transactions, such as those from which a heavy loss had already been incurred through the investment of the savings-banks' moneys. That loss had been stated at £2,500,000; but he believed it amounted at that moment in reality to nearly £4,500,000. Through the operation of this measure the debt of the country might be increased without the sanction of Parliament. He objected to the Chancellor of the Exchequer going into the stock-market, not in a purely official character, but as a speculator, which he more or less became in dealing with the moneys of the savings banks.

LORD MONTEAGLE having agreed to move his clause on the Report.

Motion *agreed to*; House in Committee accordingly.

Bill *reported*, without Amendments.

LORD MONTEAGLE then moved to add the following clause—

“And for the Protection of any Party or Parties desirous of making Deposits for Investment in a Savings Bank lawfully established and certified under the several Acts of Parliament relative thereto, be it enacted, That if any Person or Persons shall, after the First Day of January next, establish, continue, or carry on, any Bank, Institution, or Society of whatsoever kind, for Receipt of Deposits at Interest or otherwise, assuming or using for such Bank, Institution, or Society, the Name, or Title, or Description of a Savings Bank, of whatsoever kind, except in respect of Savings Banks established under the Acts now in force for the Establishment thereof, or in respect of any Penny Savings Banks of which the Monies are deposited in any Savings Banks established under any Act or Acts relating thereto now in force, such Person or Persons shall be held guilty of a misdemeanour.”

On Question, Amendment *negatived*.

Bill to be read 3^a *To-morrow*.

ROMAN CATHOLIC CHARITIES BILL.

RESOLUTION OF URGENCY. SECOND READING.

THE LORD CHANCELLOR *moved to* Resolve:—

“That inasmuch as, unless immediate Legislation take place on the Subject of this Bill, the Roman Catholic Charities to which it is applicable will be subject to the Operation of the Charit-

able Trusts Acts of 1853 and 1855, from which by the said Acts and other subsequent Acts they have been exempted for several successive Periods, the Circumstances which require Legislation on this Subject appear to this House to be of such real Urgency as to render the immediate Consideration of the same necessary."

The noble and learned Lord, having explained the purport of the Bill, said that, in his opinion, its provisions were perfectly unexceptionable. It had been suggested that the measure might have an effect upon the existing law affecting superstitious uses, and a proviso had been proposed, declaring that it should effect no change in the law. His own deliberate opinion, however, was that the Bill would have no such operation, and that the proviso suggested would be utterly useless.

LORD WYNFORD said, he had heard no reason why the Standing Order of the House should be rescinded in this instance. The measure was one calculated to cause uneasiness; and he could not see why time had not been allowed them to consider the subject.

THE LORD CHANCELLOR said, the reason was that there had been an annual Bill, exempting the Catholic charities from the operation of the existing law; and unless this measure passed, these charities would come under the existing law, which would afford matter for great regret.

LORD WYNFORD could not understand why the Bill had not been brought up to their Lordships' House at an earlier period of the Session.

EARL GRANVILLE referred to the great delay which had taken place in the passage of the Bill through the other House.

LORD REDESDALE said, this measure was the settlement of a question which had been accepted by persons of different opinions in the other House; and, as such a settlement was urgent, although he did not agree with the provisions of the Bill, he should be disposed to agree to the Resolution.

Motion *agreed to*. Order of the Day for the Second Reading of the Bill read.

Moved, That the Bill be now read 2^a.

LORD PETRE said, he did not approve of the Bill; nor was it the fact, as had been stated, that the Catholics of the North approved it. The rejection of the first clause had completely altered the character of the Bill. It would, if passed in its present shape, be unjust and injurious to Catholics; and many small charities would be confiscated by the expenses in Chancery. A

noble Lord had given notice of an Amendment; and he should wait to see whether that would improve the Bill, as otherwise he should offer it his opposition.

THE LORD CHANCELLOR said, he moved the second reading upon the understanding that no Amendments should be introduced; and he should resist any proposition to that effect.

Motion *agreed to*; Bill read 2^a accordingly. Committee *negatived*; and Bill to be read 3^a To-morrow.

House adjourned at a Quarter before
Nine o'clock, till To-morrow,
Twelve o'clock.

HOUSE OF COMMONS,

Friday, August 24, 1860.

SPRING BUFFERS—THE INDIAN TELEGRAPH.—QUESTIONS.

MR. CONINGHAM said, he would beg to ask the Secretary to the Admiralty, Whether the Lords of the Admiralty have any intention of adopting a plan, as sent in by C. W. Forbes, Esq., for checking the recoil of Guns by Spring Buffers, and which is about to be adopted by the French Government? He also wished to ask the Secretary to the Treasury, who is the engineering adviser of the Government in the matter of the Indian Telegraph; and whether he is the gentleman who acted as Engineer of the Surveying Expedition to the Isthmus of Darien which terminated disastrously?

LORD CLARENCE PAGET said, with regard to the question put to him by the hon. Member, he had to state that the Admiralty had received a letter from Mr. Forbes on the subject of spring buffers for guns, but it was unaccompanied by any plan.

MR. MILNER GIBSON said, that Mr. Lionel Gisborne was appointed by the Earl of Derby's Government as Engineer to the Gibraltar Telegraph, and occupied that position when the present Government came into office. Since then the wire had been transferred to Rangoon and Singapore, and the services of Mr. Gisborne had been continued. With respect to the survey in connection with the scheme for a ship canal across the Isthmus of Darien he had no

official knowledge, as the survey was undertaken by a private company.

INEQUALITIES OF THE INCOME TAX.

QUESTION.

MR. WHALLEY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to introduce a Bill in the next Session to remedy the inequality of the Property and Income Tax?

THE CHANCELLOR OF THE EXCHEQUER said, he thought he would be a sanguine man who would expect to devise a tax which entailed no inequalities. As to the Income Tax, when that tax was renewed from time to time, various modifications were introduced as experience pointed out, and in any future renewal that same course would be adopted. If the hon. Gentleman intended to ask whether the Government would next year introduce a Bill to alter the incidence of the different Schedules, he had no hesitation in replying in the negative.

THE POST OFFICE—MONEY ORDER OFFICE.—QUESTION.

SIR GEORGE BOWYER said, he rose to ask, Whether it is the intention of the Post Office Authorities to farm out the Paying and Issuing Window of the Chief Money Order Office; that is to say, whether they intend to confide it to a private individual, who for certain advantages will contract to supply the labour, in order that the regular appointments may be abolished; and, if so, what is proposed to be done with the officers who are to be thus superseded in their duties by contract labour, the whole of those officers having been more than five years on the establishment?

MR. LAING replied, that no decision had been come to as to farming out the Issuing Window referred to by the hon. and learned Gentleman. In answer to the latter question, he could only say that he knew of no way in which any officer could be superseded, but any question of compensation would be regulated by the Superannuation Act.

THE CHANCELLOR OF THE EXCHEQUER said, he would take that opportunity of informing the hon. and learned Baronet who took an interest in the subject, that the Report of the Committee appointed to inquire into the working of the Post Office had been presented, but it was

Mr. Milner Gibson

not the intention of the Government to lay it before Parliament at that time. The investigation had been carried on at a period when there had been a double change—the office of Postmaster General, and when Sir Rowland Hill had been necessarily absent from illness. The Report raised many questions of great importance, and proposed many changes; and the Government did not think it would be right to lay it before Parliament until they had come to a decision upon those recommendations.

LUNATIC ASYLUMS IN IRELAND.

QUESTION.

MR. HENNESSY said, that referring to the Order in Council of the Lord Lieutenant of Ireland, dated 28th of March, 1860, appointing Commissioners for the Control, &c., of Irish District Asylums, he wished to ask the Chief Secretary for Ireland, Whether the Commission in question is intended to be of a permanent kind, or whether it is for a temporary purpose; whether it is in contemplation to appoint a secretary and a staff of clerks for the office of the Commissioners, or to amalgamate it with the office of the Inspectors of Lunatic Asylums, who are themselves members of the Commission; and whether the Irish Government intend to bring in a Bill next Session of Parliament to alter and amend the laws relating to Public and Private Lunatic Asylums in Ireland, in conformity to the recommendations of the Royal Commissioners of Inquiry in 1858?

MR. CARDWELL said, that the arrangement alluded to by the hon. Gentleman was merely to give the authorities a greater control over the selection of an architect. As the money advanced was public money, it was right that its expenditure should be controlled by a public officer. The gentlemen who were appointed architect and secretary were already in the receipt of superannuation allowances, and would not be entitled to further compensation when their present functions ceased.

RATES ON PUBLIC BUILDINGS.

QUESTION.

MR. ANGERSTEIN said, he would beg to ask, Whether any, or what, arrangement the Government has made for the payment of Local Rates on the different Government Buildings?

SIR GEORGE LEWIS said, that a Vote had been taken in the course of the Session for the payment of Rates on certain public establishments, according to previous arrangement. He was unable then to say from what precise time the payments would commence, but it could not be before the commencement of the official year, for which the Vote had been taken.

HONG KONG.—CASE OF MR. TARRANT. REPLY.

MR. CHICHESTER FORTESCUE in answer to a Question put yesterday by the hon. and learned Member for Marylebone (Mr. E. James). "Whether Mr. Tarrant, the Editor of *The Friend of China*, is still detained in prison in Hong Kong, at the suit of the Crown," said, that Mr. Tarrant had been convicted of a libel upon the late Lieutenant-Governor of Hong Kong, and sentenced to six months' imprisonment. Soon after the sentence the Governor, after consulting with the Chief Justice, determined to reduce the imprisonment by one-half, which he did before receiving an order to that effect from the Government at home. When the day for Mr. Tarrant's liberation arrived, that gentleman was arrested upon civil process. The Governor did not state the nature of the debt, but he (Mr. C. Fortescue) believed it was the costs of the proceedings for libel; but, at all events, it was a matter with which the Government had nothing to do.

AUSTRALIAN POSTAL SERVICE.

OBSERVATIONS.

MR. HENNESSY said, in referring to the answer of the Secretary to the Treasury on the 22nd, that he was not aware there had been any intention on the part of the Colonial Office to advertise for Tenders for an Australian Postal Service *via* Panama, he wished to direct his attention to the following notification, conspicuously appended to the Colonial Office Advertisement for Tender for the Overland Australian route, namely—

"N.B. It is to be observed that so soon as arrangements are completed, it is the intention of the Government to call for Tenders for a Monthly Steam Communication with Australia *via* Panama, in addition to the Service *via* Suez."

He also wished to ask whether any and what steps have been or will be taken to redeem the pledge thus held out, on the

part of the Imperial Government, to the Australian Colonies, and to the various commercial interests at home connected with this subject.

MR. LAING said, he had, on a former occasion, misunderstood the question of the hon. Member. He thought it referred to the present intentions of the Government, and the answer he gave was that there was no intention of doing anything in the way of contracting for a Postal Service by way of Panama. He found, however, on adverting to the question the hon. Gentleman had now put, that he referred to a circumstance which occurred more than a year ago, when the late Government was in office. It was true that there was an intention on the part of the late Government to call for tenders for a monthly communication with Australia by way of Panama; but the present Government thought that the system of subsidies for mail communication to the Colonies had been carried quite far enough at the expense of the mother country. It could not be held that the mere intentions of the late Government should bind either the present Government or the House to a proposition of this kind.

AUSTRIA AND NORTHERN ITALY.

OBSERVATIONS.

MR. BUTT said, with reference to statements that have appeared in the continental journals—1. That the Austrian Government has intimated to that of Turin that they would treat the landing of Garibaldi in the Neapolitan dominions as a *casus belli* between Austria and Northern Italy. 2. That Austria has engaged or tendered support to the King of Naples, by armed intervention, against any attempt at revolution—he would beg to ask the First Lord of the Treasury, Whether Her Majesty's Government have received any information of such a menace being addressed to the Court of Turin, or such an engagement or offer being made to that of Naples?

VISCOUNT PALMERSTON: Sir, I am glad to say that the Report to which the hon. and learned Member refers is totally devoid of foundation. The Austrian Government has invariably stated that they do not intend to interfere by force of arms in any matter beyond their own frontier, that they intend to defend their frontier if attacked, but to do nothing beyond that. Therefore there is no ground for supposing

that any such communication as the hon. and learned Member refers to has been made by the Austrian Government either to the King of Naples or the King of Sardinia.

PUBLIC BUSINESS—FRIDAY EVENING
DEBATES.—RESOLUTION.

MR. T. S. DUNCOMBE said, he rose to move a Resolution of which he had given notice on the subject of the Friday evening debates. He had given notice of two Resolutions, but it was his intention only to move the first. The two Resolutions were:—"1. That, on the question of Adjournment from Friday to Monday, all discussion shall be confined to Questions relating to the intended business of the following week, or to matters of public urgency demanding immediate attention. 2. Whenever it is moved and seconded by Members who have not spoken during the Debate, that the Debate be now closed, Mr. Speaker shall forthwith put such Question, and, if agreed to, shall immediately proceed to put the original Question." The House, he need not remind them, had that very day sat seven months; and he was much afraid that if they were to ask the public what had been done during these seven months, the answer would be, little or no good. He did not say the Session had been destitute of all good, for they had confirmed a very valuable treaty, so far as it went, with France, and they had much improved the tariff; but they had let slip through their hands certain Bills which the public expected would have become law—one in particular with regard to the Amendment of the representation, and another for the improvement of the bankruptcy and insolvency laws. Great disappointment prevailed among the commercial classes that the latter measure had not been passed. What, then, was the cause of so little being done? It appeared to him that Mr. Speaker was helpless, that the Government was helpless, and that the House was helpless under the present regulations; and the House would not be blameless if it did not attempt to correct the evil. He believed the only true course was to go back to the old system that prevailed in the House. It was only within these few years that the present system with regard to questions on the Motion for Adjournment till Monday had come into practice. During the time of the Speakership of Mr.

Viscount Palmerston

Manners Sutton and Mr. Abercromby no such system prevailed. It originated with the late Speaker, who gave permission to hon. Members to raise all kinds of questions on the Motion for Adjournment. The only object he could see in bringing forward these questions was that they made hon. Members appear before their constituents exceedingly active with regard to matters that had a bearing on the incidents of the day. Taking a common-sense view of the matter, what was the object in allowing any question to be raised on the Motion for Adjournment? This practice was formerly permitted in order that any question might be asked relative to the business of the ensuing week, and also upon any matter of great public urgency that would not keep. If, for example, there had been a great disturbance in the country, or if the Government had been guilty of an unconstitutional act, or if some important matter relative to foreign policy arose, then an hon. Member was permitted to ask a question about it on the Motion for the Adjournment to Monday. But now, there was no sort of question, either upon colonial, foreign, or home affairs—ranging, in fact, from our Indian Empire to the ride in Kensington Gardens—that was not put on the paper on the Motion for adjournment. What was the consequence? The House was sometimes occupied until half-past 11 o'clock at night in discussing questions whether at its rising it should adjourn to Monday. What then became of the right to ballot upon notices of Motion? Why, the notice day was done away with, the usual notices of Motion being superseded and set aside by these questions. Speeches were made upon topics which were so far from being of pressing urgency that notice was given of them three weeks before. The evil ought to be obviated by restoring the old rule. He remembered being himself called to order by Mr. Manners Sutton for putting on Friday some question upon tithe commutation. Mr. Manners Sutton ruled that he was going beyond his right, because the question was not one of public urgency. The Motions generally made were of the most *ad captandum* nature, and a few hon. Members, wishing to show their activity to their constituents, seemed to be always putting questions. But he wanted to know where the practice would stop, for if twenty Members had a right to put questions, so had 200; and then how would the public business go on? Look at the hours wasted and the Bills

that might be passed while Members were talking on this very adjournment question. Five or six hours every night during the whole Session had been occupied in this way. Recently a change had been made by which Thursday became a Government day, and Friday was devoted to notices of Motion. But that, instead of rectifying the abuse, only made it worse, for hon. Members now thought they had a right to encroach on the time that ought to be devoted to notices of Motion. His right hon. Friend (Mr. Bouverie) brought forward, early in the Session, a Motion that the House at its rising should adjourn as a matter of course until Monday, unless it should otherwise order. The Government said that was a reasonable proposition, but that it would be better to rely upon the good sense and good taste of the House. It was, however, clear that in relying on the good sense and good taste of hon. Members the House was relying upon a broken reed. The time of the House was the time of the public, and it ought not to be wasted by all the foolish balderdash and nonsense that was inflicted upon the House on Friday nights. He trusted that the Government would accede to his Resolution.

MR. BERNAL OSBORNE seconded the Motion.

Motion made, and Question proposed,

"That, on the Question of Adjournment from Friday to Monday, all discussions shall be confined to Questions relating to the intended business of the following week, or to matters of public urgency demanding immediate attention."

SIR GEORGE LEWIS said, he quite agreed with his hon. Friend that it behoved the House to consider the subject with attention, and that they ought to make up their minds definitively whether the present practice should be continued or not. The question was one not merely for the Government but for the whole House to consider, since it had an important bearing on the efficiency of the House for the despatch of business, affecting as it did nearly the whole of one out of the five days in the week devoted to public business. Something had been done however during the Session. The Motion of his right hon. Friend (Mr. Bouverie) that no Motion for adjournment should be put on Friday underwent a great deal of discussion. It was negatived by 166 to 48, so that the opinion of the House was declared in favour of maintaining the present Motion

of adjournment. Thursday afterwards became an Order Day for Government business, and Friday was given up to Notices of Motion. After some experience the House came to the conclusion that the change was a wholesome one, and conducive to the despatch of public business. It had therefore been converted into a Standing Order. A short time since his hon. Friend the Member for Dumfries (Mr. W. Ewart) brought forward a series of Resolutions, with regard to the despatch of public business, which were withdrawn on the understanding that a Select Committee should be appointed next Session to which this subject should be referred. If it should be the pleasure of the House to appoint such a Committee next Session, one of the first matters that must occupy its attention would be the great amount of time taken up by the debates on the Friday adjournments. One of the inconveniences of the present system was that hon. Members who came down at 7 o'clock for the business of the evening were detained until 9 or 10 before it came on. That was a greater inconvenience to private Members than to Members of the Government; because, whatever the business transacted, the latter were usually in the House, whereas private Members took an interest in particular questions, and it would be a great convenience to them to know within a certain margin when the business of the night would come on. A perfect farrago of questions were put on the most miscellaneous subjects, and great confusion arose from the fact that two or three questions were sometimes put to the same Minister. If he answered one, he could not speak again without the consent of the House; and if he waited till the end of the evening, that he might answer them altogether, the earlier questions were forgotten. Thus confusion became worse confounded, and either course was productive of inconvenience. An hon. Member had, in a recent debate, raised a laugh by quoting a series of questions put by the Civil Service Commissioners. If any hon. Member would read a list of the questions put upon the Motion for adjournment, he would be equally successful in creating merriment in the House, for they were put down in such a manner as to be far from conducive either to the transaction of public business or to the credit or character of the House. With regard to the Motion before the House, he could understand a proposal that no Motion should be

made for adjournment on Friday, but when his hon. Friend proposed that the discussion on Friday should be confined either to the intended business of the ensuing week or to matters of public urgency, he could not help thinking that such a rule would lead to considerable inconvenience. He should have thought that if there was any class of questions which it was not desirable to discuss, it was the business of the ensuing week, because an hon. Member who did so might take a general view of all the Orders as well as the Notices of the Week. As to the phrase "matter of public urgency," it was so vague that he feared much time would be lost in discussing what was a matter of urgency. If the House should alter its practice, it would be better to do so by some rule not so difficult of construction or open to so much ambiguity. He trusted that the Committee to be appointed early next Session would consider this among other subjects. He was, however, satisfied that the House in its present thin state was not fitted to decide upon so important a matter, and one which had already been discussed without result. He did not see any leading Members of the Opposition in their places, but they would naturally wish to take part in such a debate, and would have reason to complain if such a Motion were carried in their absence. He trusted, therefore, that his hon. Friend would not press his Motion.

MR. SPOONER said, he fully concurred in the remarks of his right hon. Friend, but could not allow one observation of the hon. Member for Finsbury to pass unchallenged. The hon. Member described the treaty with France as beneficial. He was, unfortunately, prevented from attending at the time when the treaty was under discussion, and was therefore in no way responsible for it. So far from being a beneficial treaty, it was, he believed, the worst and most injurious that this country had ever made. The feeling which at the first prevailed in certain parts of the country in favour of it had totally vanished, and he knew that it had been the ruin of hundreds of his own constituents. The provisions of the treaty with regard to silk had destroyed the whole trade of Coventry, and had thrown that populous neighbourhood into a state of distress which he could not fully describe. The treaty was altogether one-sided and unjust. We had given up everything and received nothing, and unless some alterations were made its bane-

ful effects would be found spreading over the whole country.

MR. SPEAKER said, he had been unwilling to interrupt the hon. Member, but he was at a loss to see the relevancy of his remarks to the question before the House.

MR. SPOONER said, he was merely replying to an observation which had fallen from the hon. Member for Finsbury.

MR. E. P. BOUVERIE said, that as he had introduced, at an early period of the Session, a Motion on the subject of the debates raised on the putting of the question of the Friday Adjournment, he hoped the House would allow him to make a few observations on the subject which had just been brought under their notice by the hon. Member for Finsbury. He believed that many hon. Members who had upon that occasion voted against his proposal would at present be prepared to support it, in consequence of the experience they had since had of the working of the practice against which it was directed. That experience had shown that they had opened a door for a prolonged miscellaneous conversation which really impeded the business of the country. The Motion for the Adjournment of the House from Friday to Monday was, except at the close of the Session, a mere matter of course, and his suggestion was that no special Motion should be required for following their ordinary practice. He had taken the trouble to look into the record of discussions kept in the Members' waiting-room, and found that no fewer than 85 hours—or, reckoning a working day at 7 hours, 12 days—had been spent during the Session in discussions on the question of Adjournment, which in 99 cases out of a 100 were a mere waste of time. Had that time been devoted to the business of the country they would have been enabled to discuss fully and properly many measures of great public importance which had been postponed to the last weeks of the Session, and agreed to without sufficient consideration. He hoped that the experience of the Session would lead hon. Members to give a more favourable ear to the proposal he had formerly made, if he should bring it forward again.

COLONEL SYKES said, he believed that a great source of inconvenience would be removed if all the Members who desired to obtain information from a particular Minister would put their questions to him consecutively. But he did not think it

Sir George Lewis

would be wise to abolish altogether the practice of raising discussions on the Motion for the Friday Adjournments. He felt persuaded that they were able to procure in that way a vast amount of information which the country wished to obtain.

SIR HENRY WILLOUGHBY said, he hoped the House, in making a change would not pass from one extreme to the other. He believed that for the purpose of eliciting information on urgent questions and on the order of public business the Friday evening conversation was very useful. The abuse consisted in hon. Members unfairly availing themselves of that opportunity to introduce important questions which ought to be the subjects of substantive Motions. He trusted that some check would be placed on that abuse, but he believed it was desirable to retain the privilege, on the Motion for Adjournment, of putting questions, and at the same time of explaining them, which was not allowed on other nights.

MR. T. S. DUNCOMBE said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

FOREIGN AFFAIRS.—OBSERVATIONS.

MR. KINNAIRD said, he rose to move the Adjournment of the House, in order to have an opportunity of calling attention, before the Session closed, to the long-talked of Conference of the great Powers on the subject of Savoy. The calm dignity, forbearance, and firmness manifested by Switzerland with reference to the annexation of Chablais, Faucigny, and Geneva, neither seduced by the cajolery nor shaken by the menaces of a powerful neighbour, had been such as to call forth general admiration. The neutrality of Switzerland was guaranteed, in the interests of peace, by all the great European Powers in 1815. Piedmont, too, bound herself to Switzerland by the Treaty of March 16, 1816, never to alienate the provinces in question to any third Power. But it was a manifest absurdity to suppose that any portion of a great Empire like France could really remain neutral, and consequently the possession of these provinces by such an Empire would be a standing menace to the security and independence of Switzerland. It was to guard against such a danger that provision was made in the Treaty of 1815 for the neutrality of the three Provinces. Two things were essential to the neutrality of any

State—the wish and the power to be so. Now every one who studied the map of Europe would see that Switzerland was weak on the side of Savoy. A frontier easy of defence was necessary to her existence, and on that side she has no frontier that she could defend. The Powers of Europe, therefore, gave her a military and strategic frontier besides her political one. It was for the maintenance of that frontier that Switzerland appealed to the public opinion of Europe, and he hoped that the Session would not close without an assurance from the noble Lord that the Conference which had been promised would speedily be held. It was not simply a matter of treaty, but a question of natural right. They all knew that these Provinces were naturally connected with Switzerland, and that all their produce and trade found an outlet at Geneva and the Canton. It was not, therefore, a question of treaty but of natural right which had thus been aggressively taken from them. He believed that Switzerland was entitled to the thanks of Europe for the manner in which she had maintained her rights. If, in addition to great foresight, she had not acted with great prudence and moderation, it was impossible to say what would have been the consequences to Europe. It would be in the recollection of the House that when his hon. and learned Friend (Mr. Kinglake) first asked the Government whether there was any intention to annex Savoy and Nice, hardly any one believed it. They were indebted to Switzerland for first calling the attention of Europe to this act of aggression. At the time when the question was first put by his hon. Friend, he was one who placed implicit confidence in the speech at Milan of the Emperor of the French, and in the statement of Count Cavour, that Sardinia would neither cede, sell, or exchange that property which she was bound by special treaty with Switzerland to hold. He therefore scarcely gave credence to the rumour that such an act of aggression was actually in contemplation. He thought that Switzerland acted nobly in refusing to treat alone with the Emperor of the French. Switzerland, putting aside her individual interests, determined not to accept anything from the Emperor, but to stand by her rights. He trusted that those rights would be brought before a Conference of the great Powers, and he believed it would then be shown that might was not right, and that there was justice in the cause and in the policy which Switzerland

had adopted. He did not wish to detain the House at that period of the Session. He would only say that the circumstances which had occurred, and the circumstances which were occurring, showed that the Government ought to be prepared for all eventualities. It was a remarkable fact that not many months ago news came from across the Channel that the Emperor of the French was already weary of Italian affairs, and that they would soon hear of great events in the East. They little thought at that time how soon the fearful massacres in Syria would follow, and how circumstances would arise which seemed to call on France to occupy that country. When they looked at affairs in Italy, they must feel how important it was that England should be prepared. He trusted that the report that Austria was about to take active measures against the rising liberties of Italy was untrue, and that it was, as they had since heard, the fixed intention of Austria to remain, unless attacked, in the Quadrilateral. He hoped that those who conducted the Italian cause would still maintain the moderation which they had hitherto exhibited, and that nothing would happen to cause them to regret the progress which Italian liberty had made, and which had given the greatest satisfaction to every Member of the House and to every one in the country. He wished to put the question of which he had given notice—"Whether definitive arrangements had been made for assembling the Conference proposed to be held at the instance of the Swiss Confederation; and, if not, whether it was the intention of Her Majesty's Government to recognize the annexation of Savoy and Nice as a valid act, forming part of the public law of Europe; also, whether any other of the five great Powers were acting in this matter in conjunction with Her Majesty's Government?"

Motion made, and Question proposed,
 "That this House do now adjourn."

MR. KINGLAKE: There was, Sir, I believe, an understanding that before the close of the Session some opportunity should be given to us for raising a discussion on foreign affairs, and although I cannot say, looking at the empty state of the House, that the present opportunity is a very promising one, I am anxious, if the House will so far indulge me, to address to it a few observations on the subject. I think it will be admitted, by Her Majesty's Ministers and by the House in general, that

Mr. Kinnaird

those who are accustomed to take an interest in foreign affairs have not been wanting in forbearance towards the Government, and have not been guilty of anything like undue intrusion on the time of the House, for we must remember, that the present state of affairs in Europe is one of an unusually critical kind. I cordially agree with every word which has been said by my hon. Friend the Member for Perth with regard to the conduct of the Swiss Confederation. I am bound to say that in the earliest stage of the transaction which was the subject of my hon. Friend's speech, Switzerland perceived the danger in which she was placed. She communicated that danger at the earliest time to all those on whose friendship she was entitled to count, and from that hour to the present she has never for one moment swerved in the earnestness of her endeavour to preserve her own rights and through her own rights to protect the true interests of Europe. She has never for a moment forgotten, that vital as the question was to her, the question was one of deep importance to Europe. And, therefore, whenever pressed, whether by the menace or, as my hon. Friend termed it, by the cajolery of her powerful neighbour, she has always answered that the question, though vital to her, was also a European question, and by the great Powers of Europe her rights and interests were to be judged. It is very true that this question of the annexation of Savoy and Nice has disturbed Europe, but I must say that it is right that it should be so, for I cannot conceive anything more lamentable than that a great wrong of this description should be perpetrated to the prejudice of a weak but deserving Power such as Switzerland, and Europe should stand by acquiescing in such a transaction. My hon. Friend behind me, the gallant Member for Liskeard (Mr. B. Osborne), in the course of some discussion which took place on the question of fortifications, more than once addressed to the Government a very pregnant question. To that question he never received any answer, and I told him I did not think he would receive any answer, because the question was one which could be more conveniently answered or commented upon by an independent Member of Parliament than by a Minister of the Crown. My gallant Friend asked why it was that the Report of the Commissioners having been placed in the hands of the Government so early as the month of February, no application was

made to the House to act on these recommendations until the month of July. My answer is that between the month of February and the month of July a momentous change took place in the state of European affairs. I ventured, as early as the month of February, to warn the House that when the Emperor of the French proposed to break through the public law of Europe he was doing that which would place us all in a new condition—he was doing that which effected a transition, if I may so express it, from right to might, and it became certain, in my opinion, that if he should carry out the purpose with which we were then menaced, we should hear less of treaties and less of negotiations, and a great deal more of fortifications, battalions, batteries, and all the implements of war. So it has turned out, and that I think is the answer to the question of my hon. Friend. The truth is, that the annexation of these countries, even if it had been assented to by England, would have been a very grave affair, but it took place contrary to the declared recommendation of England, and when it took place, I may say, in the teeth of the English Government, it became a transaction of momentous importance. It took place at a time when Parliament was sitting, and I do think that if at such a time we had remained silent we should have been guilty of a shameful abandonment of our duty; and I will do Her Majesty's Ministers the justice to say that I believe they shared in that opinion. It is natural for Ministers to dislike being interfered with. All men in possession of power naturally like to exercise it with as little extraneous advice as possible. At the same time Her Majesty's Ministers must do those who acted with me in these matters the justice to say, that not only did we do right in calling the attention of the House to them, but that we should have done wrong had we failed to take that course. I will not say that the urgency of those protests had any effect upon Her Majesty's Ministers, for I believe it is a truer and more generous view of the matter to say, that they who are Englishmen like ourselves were sharers, from the beginning, in the feelings which influenced us, and that the principles which we were venturing to inculcate—if not finally adopted by them—were inchoate in their minds and on the point of being adopted. Accordingly, when the 26th of March came we had the gratification of hearing that the Government

were sharers in those opinions which we had humbly ventured to urge upon them. The purport of the famous declaration of the 26th of March was simply this,—it announced distrust of France and the determination of England not to keep aloof from other Powers. I recollect the noble Lord the Secretary of State for Foreign Affairs pronounced these momentous words in a significant but low tone, but all Europe listened to what he said, and it was not long before that important declaration produced the fruits which it was calculated to bear. At the time that declaration was made there was nothing like union throughout Germany, but no sooner was it known that England was distrustful of France and was turning to other Powers than the States of Germany not only determined among themselves that each would separately express an inclination to turn towards England, but their language among themselves was of the most simple and practical kind. They said, as long as we are disunited we are hardly worthy to proffer ourselves for an English alliance—let us be united among ourselves, let us be able to say that Germany against the foreigner will act as one, and then we shall be in a fair condition to proffer to England a German alliance. I rejoice to see that that principle was acted on at Baden and was carried to a completion the other day at Töplitz. If the existing state of things is satisfactory in comparison with that which existed before, we owe it in part to Germany, and in part to the determination of this House, one reacting, if I may so speak, on the other. If it is a subject of congratulation that Germany is now united, we are entitled to take a little pride that this House has found means in a worthy manner to cause its opinion to be once more heard with respect in Europe.

Anterior to the Treaty of Turin the situation of the Emperor of the French in Europe was one of immense weight. Germany was disunited, Russia is known at that time to have approached, at all events, to something like an understanding with France, and the alliance, or, at all events, the cordial understanding which had for some time existed between France and England had placed France in such a position that she was relieved from all anxiety with regard to her sea communications. The consequence was that, being able to wield her immense military force by land and to move as she chose by sea, France had acquired so great an ascendancy in Europe

as to cause the deepest anxiety to all those who are accustomed to attribute importance to the preservation of the balance of power. The Treaty of Turin was signed:—signed, as I have said, in defiance, so to speak, of England. The result is that the Emperor of the French has these provinces which he has now gone, it is said, to visit. No doubt the Savoyard battalions and the seaboard of Nice and the adjacent country are acquisitions of great importance—no doubt, also the frontier, menacing to Italy and menacing to Germany, is a matter of deep importance; but, on the other hand, it is to be observed that in exchange for these acquisitions the friendship of England has been converted into that avowed distrust which was expressed on the 26th of March in words, and which has since been expressed still more significantly by our armaments. Moreover, Germany, now united and alarmed, is making her preparations on her eastern frontier, and the countries more immediately bordering on France—Switzerland and Belgium—have been so thoroughly alarmed by the proceedings of the Emperor that I think we have no reason to fear anything like languid acquiescence on their part. If I am entitled to assume, as I trust I am, that the answer of the noble Lord to the second branch of my hon. Friend's question will be such as we have a right to expect,—if we are to be told, as I trust we shall be, that although England did not think fit to resist that annexation by force, yet she will nevertheless decline to recognize it, then it is very important to observe the change which is thus effected in the position of the Emperor of the French; because, whereas he was before not merely recognized fully as an equal Sovereign, if I may so express it, but the ally of England, now the recognition of his character as Emperor of that which he considers the French empire is, in a sense, qualified, for I trust we shall hear that the British Government is not prepared to do any formal act which shall amount to a recognition of this annexation. For instance, if it should happen that our Consul at Nice were to die or to resign, then I trust we may be assured that the English Government would not ask an *exequatur* from the Emperor of the French for any new consul in his place.

I am anxious, with the permission of the House, to say a few words on the subject of Syria. It was my fate many years ago to be a traveller in that country, and one finds that when one has become personally

acquainted with a distant country one is apt to keep up one's knowledge, and, even after a great lapse of time, one's interest in it is frequently continued. In several discussions which have taken place here on this subject I have heard the noble Lord at the head of the Government taunted for the part which he took in 1840 in displacing Mehemet Ali from Syria. We have been told that Mehemet Ali was an excellent and vigorous governor who maintained order in that country, and that we did very wrong—the gallant Member for Southwark (Sir Charles Napier) made the observation, I think—when we took measures which had the effect of displacing him. It is rather singular for those who are filled with horror at the Turks and at massacres to come forward and befriend this man Mehemet Ali. I was in that country at the time when his power was in full force, and I say his reign was simply a reign of terror. He was a Turk, and a Turk of the most ferocious kind, and probably the most wicked of all the massacres which have occurred in this century was a massacre perpetrated by Mehemet Ali. He invited to a banquet at his castle all the Mamelukes of Egypt—the aristocracy of the country—the men who had been in a rude way the depositories of the governing power, and when he had them all in the courtyard of his castle he caused them all to be massacred; so that to the cruelty and bloodthirstiness of perpetrating a massacre there were added the treachery and wickedness which attach to a host who murders his own guests. Therefore we might have been spared anything like taunts for displacing such a man from the government of Syria. There has been, too, a good deal of unfairness towards the Ottoman Government in these discussions. It is impossible to overstate the poltroonery—for I believe that was, in fact, the real cause—of the wretched Turkish officers who stood by while the horrors of which we complain were being perpetrated; but if we ascend higher in the chain of causation, and ask what the causes really were, I am afraid that, instead of being able to fix the responsibility on the Turkish Government, it is to the Powers of Europe that the responsibility will, in a great degree, attach. In 1842 or 1843, and at a time when the Earl of Aberdeen held the seals of the Foreign Office, changes were pressed upon the Turkish Government in regard to the management of the Lebanon. First, the Porte was urged to appoint a

separate Kaimakan for the Druses and the Maronites, so that in point of fact, we called on the Turkish Government to allow, not an *imperium in imperio*, but two *imperia in imperio*, those two *imperia* being embittered in their feeling towards each other by a traditional hostility. In the perverseness of our recommendations we did not stop there. We required Turkey to abstain from having troops in the mountains, so that we provided not only that these hostile tribes should be perpetually confronting each other, but that the Ottoman Government should withdraw the very means by which the Druses and Maronites might be prevented from coming into conflict. Now, surely after the European Powers have taken upon themselves the responsibility of interfering in that way with the affairs of the Lebanon, they cannot very fairly turn round upon Turkey and accuse her of having permitted disturbances which, in a sense, may be traced to the advice pressed by them upon the Porte.

With regard to the immediate cause of these massacres, I desire to abstain from expressing any opinion; but there are two or three circumstances which will serve as a clue, and will enable Lord Dufferin to ascertain what I may call the final cause of these disasters. If I am rightly informed, a vast quantity of rifles were not long ago distributed among the Maronites. Now I have never seen one of those rifles, but, if the information which reaches me be correct, it will turn out that they are not the rifles of commerce, but bear upon them a stamp which shows that they came from the Government stores of a European country. If that is the case, and if Lord Dufferin succeed in sending home one or two of these rifles marked with such a stamp, we shall have one clue to the cause of the disturbances. There is another clue to which I think I may venture to direct Lord Dufferin's attention. For a long time there has been published at Beyrout an Arabic newspaper. That newspaper contains articles, couched in very bitter and ferocious terms, having a tendency to incite the Christians against the Druses, and also to irritate them against the English, on account, I suppose, of the impression which certainly prevails in those countries, that the English are the friends of the Druses. I am told that this newspaper, although published at Beyrout, is printed in one of the capitals of Europe; and if that is so—if this journal is printed in a city where it could be hardly safe or possi-

ble for private individuals to engage in such a manufacture without the consent of the Government—then I think we shall have another clue to the final cause of the disturbances.

With the permission of the House I am now anxious to say a few words on the subject of Italy. Sir, the public prints inform us this day—though, as it seems, the Government have received no official communication of the fact—that General Garibaldi has effected a landing in Calabria, and for a long time there has been an impression, founded upon the collapsed state of the Government of Naples, that General Garibaldi may succeed in displacing the Government, probably going much further, and, if one may use a military phrase, “rolling up” the greater part of Italy. It is also given out that when this consummation is effected movements will also be directed against Venetia. At such a moment it was natural that Austria should be very vigilant. Everybody must admit that where you see an enemy preparing to attack you you are not always bound to wait until the attack takes place. That is a maxim which prevails all over the world, but as a matter of policy of course you need not act upon it if your opponent is vastly inferior to yourself in strength. I have heard, therefore, with the greatest satisfaction, that Austria, notwithstanding reports to the contrary, has determined not to interfere with any of General Garibaldi's operations either in Naples or in the Papal States. That is a determination which places the Emperor of Austria in a most admirable position towards Europe. Considering the antecedents of Austria, I think the fact that she has arrived at such a conclusion entitles her to great praise for the moderation and wisdom which she is thus displaying. One of my principal reasons for now venturing to address the House is my desire to express an earnest hope that, beyond the acquisition of Naples and Rome, no wild attempt will be made by General Garibaldi against Venetia. I am speaking on the assumption that France will not interfere; and I say that if the Italians, unassisted by France, ventured to assail the great Quadrilateral which repelled the Emperor of the French, common prudence must lead us to fear that such an attempt could not be made with any fair chance of success. If it failed what would be the position of Italy? Why, Austria, bursting forth from the Quadrilateral, and claiming

the right to pursue those who attacked her, would, unless some miracle prevented her, overrun with great ease the vale of Lombardy, and would reach, without any serious difficulty, the gates of Turin itself. I think, therefore, that the most ardent friends of Italy must, if they have any prudence in them, join in the hope that no attempt beyond the one I have referred to will be made by General Garibaldi. It is suggested, I know, that Venetia should be transferred to the Italian people by purchase or in some such way. There are many who look upon the possession by Austria of any territory in the north-east of Italy as the greatest possible eyesore. But the experience we have had of modern transfer by one country to another—the transfer, for example, of Savoy and Nice to France—does not make me at all desirous to see conduct of that kind imitated by the Emperor of Austria. I am bound also to say that the annexation of Savoy and Nice has brought into a new light the importance of the great Quadrilateral to Austria. Every one acquainted with military operations in that part of the world knows that the occupation of Switzerland gives to any country the power, so to speak, of rolling up all the defences on the Rhine. The occupation of Switzerland is, therefore, of the deepest importance in the event of a war between France and Germany. It is vital, indeed, because it is on the flank. Since the annexation of the neutralized provinces we are bound to see how the neutrality of Switzerland can best be maintained. The question is one which affects this country deeply, because the noble Lord the Foreign Secretary has stated that Her Majesty's Government would feel bound to maintain the neutrality and independence of Switzerland, which again so vitally affect the defence of the Rhine. But *quis custodiet ipsum custodem*? Who shall be the safeguard of this safeguard? In point of fact, I believe it will be found, in any struggle between Germany and France, that the first question which will arise will be whether the neutrality of Switzerland can or cannot be maintained, and the means by which it is to be maintained are the possession of the Quadrilateral. I am glad to see the hon. and gallant Officer opposite (Sir Frédéric Smith), and I think he will confirm what I believe is the opinion of most officers, that the truest support of neutrality of Switzerland is a strong Power in the direction of the great Quadrilateral. I will only fur-

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ther say that, having made great sacrifices in the way of armaments, I think it would be intolerable if what we are doing by our armaments should be defeated by anything like a perverse system of alliances. I am of opinion that there is no country whose interests are more compatible with those of England than France. It is true that France is a great country, and in one sense is a rival country, but the experience of the years which elapsed between the termination of the last war and 1852, show that the interests of the two countries are perfectly compatible. During the whole of that period there was hardly any dispute which was not of what I may call a dynastic character. For instance, when first after the Congress of Verona was peace threatened? It was by the Spanish marriages, and no one will say that the true interests of France were concerned in that affair. I repeat that the interests of England and France are quite compatible, and that all we desire is that the Government of France should be animated by principles truly and decidedly French; but when the Government neglects the true interests of France, and proceeds to seek after merely dynastic objects, then the alliance between the two countries is endangered. As long as a truly French policy is pursued, there is nothing to bring that country into conflict with England; but when it becomes a pursuit of what I may call Boapartist ideas; and when France, forgetting her true interests, suffers her Government to remain in the hands of men who pursue a tradition of the past with a view to aggrandize a particular family, then, I say, that necessarily and inevitably the two countries must be rent asunder, as it is impossible that England should follow France in such a course. I have now only to thank the House for its attention, and to express a hope that the answer of the noble Lord will be satisfactory.

PERSIA.—QUESTION.

MR. DANBY SEYMOUR said, that in rising to ask a Question relative to Persia, he would take the opportunity to observe that an answer of the noble Lord (Viscount Palmerston) to a question he had asked respecting the Pasha of Egypt appeared to be inconsistent with one of the Articles of the Treaty of 1840. By that Article the Pashalic of Egypt was placed upon the same footing as all other Pashalics with respect to revenue, but no other Governor of

a Turkish province had the power of borrowing upon the Customs' revenue. The noble Lord said the Pasha of Egypt had not exceeded his powers in raising a loan; but, if that doctrine were correct, there could be no reason why one Pasha should not mortgage the revenues for twenty years to come. The interests of the Pashas would naturally induce them to raise money, because the succession was not to the eldest son, but to the eldest male of the family, and consequently each Pasha made a purse for his family. At present the power of the Pasha of Egypt was absolute, and exceeded even that of the Sultan in Constantinople. It would be very desirable that the treaty should be revised in those portions which related to the succession and the powers of the Pashas.

With respect to Syria, he would only express a hope that the Government would take a decided course, for he anticipated that there would be a rising from Bagdad to Egypt if, from feelings of an ill-judged leniency, exemplary punishment were not dealt out to the offenders in the late events. A remarkable letter appeared in *The Times* a few days since, which showed that even in Egypt Christians and Europeans were exposed to the insults of the Turkish soldiers, and the same feeling pervaded all the countries in that part of the world. He was assured that the bombardment of Jeddah, so much condemned by some philanthropists at home, had prevented a rising at Damascus and other places. He wished to call the attention of the House to our relations with Persia—a subject of considerable importance at the present time. Sir Henry Rawlinson was sent out under the East India Company with a sufficient Staff, but when he arrived he found himself transferred to the rule of the Foreign Office, and his Staff was taken away. Unfortunately, there was no one attached to the Persian Embassy who was acquainted with the local affairs of that country, while persons who were well acquainted with them, and who had been educated with a view to such knowledge at the public expense, were wasting their time at home in compulsory idleness. Mr. Alison had to encounter in Persia the opposition of the Russian Minister—a man who had been twenty-two years in that country, had a thorough knowledge of its affairs, was extremely agreeable and insinuating in his manners, but at the same time very firm. He had also immense means at his disposal, and was able to give presents,

which our Embassy was not allowed to bestow. It would be seen, therefore, that the British Embassy at Teheran laboured under great disadvantages. At the present time there were important questions to be settled with Russia. The Russian Government had been for a long time anxious to obtain possession of the provinces to the south of the Caspian, where Persia maintained a military establishment for the purpose of chastising the turbulence of the Turcomans, who were Persian subjects. He had learnt from private information that the Russian Government purposed to withdraw their Embassy from Teheran, unless Persia consented to give up her control of these Turcomans. Every encroachment of Russia in that direction affected the interests of England in the East, and unless care was taken to check these encroachments we should rue our negligence, perhaps when it was too late. He trusted that the noble Lord would give the House the means, by the production of papers or otherwise, of obtaining authentic and official information on these subjects.

SIR GEORGE BOWYER said, he quite agreed in what had been said as to the annexation of Savoy and Nice being an outrage on the part of France, and a blot on the hitherto unblemished escutcheon of the illustrious House of Savoy; but he wished to ask whether the annexation of Tuscany, Parma, and the other Duchies, and especially of a portion of the dominions of the Holy See, was not equally an outrage on the public law of Europe. It was the fashion to speak in terms of admiration of General Garibaldi: but he wanted to know whether the proceedings of Garibaldi were not wholly subversive of the public law of Europe? Garibaldi sailed from Genoa, with the full knowledge of the Sardinian Government, at the head of a body of filibusters, consisting of refugee Poles, and Hungarians, and Sardinians; many of them very desperate characters; and made an attack on Sicily. He had no authority from any Sovereign to do so; he was not, in any sense, a lawful belligerent; and by the law of nations, therefore, was a pirate. Indeed, a more daring act of piracy never was committed than that which he committed on the dominions of the King of Naples. He was successful in his attack on Sicily; and it was now stated that he meant to attack Naples in the same way. Would not this be also an outrage on the public law of Europe? He was convinced, from what he knew of Italy, that nothing

could be more offensive to the Neapolitans than an attack from Sicily; as there was no friendly feeling between the Sicilians and Neapolitans. If the Neapolitans had grievances to complain of against their king—and he believed these were much exaggerated—let them be redressed by themselves. The King of Naples had granted a Constitution to his subjects. [*A laugh.*] Hon. Gentlemen might laugh; but there was nothing to show that the Neapolitans were dissatisfied with that Constitution. He believed, indeed, it would not work; because what we called a Constitution, was not a thing in accordance with the genius of the people, or the history and requirements of the country. Nobody loved Constitutional Government more than he did in this country; but it did not follow that, because Constitutional Government was suited to this country, it should be set up everywhere else. But something else was wanted, and Garibaldi was going, it was said, to Naples to destroy the Constitution, and dethrone the King of Naples, and annex the country to that of Sardinia. Would not that be a gross violation of the public law of Europe? But, not stopping here, they were told that Garibaldi, after succeeding at Naples, was to attack the dominions of the Holy See. Would that be in accordance with the public law of Europe? What cause could be given for so gross an outrage, so unprincipled a proceeding? He asked whether, with the knowledge of such an intention on the part of Garibaldi, General Lamoricière would not be justified in marching against him before he left Naples? General Lamoricière was not bound to wait for him in these circumstances. It was said Garibaldi was going to attack Venetia also. If so, Austria would be justified in attacking him before he reached Venetia. They were told that Austria did not intend to interfere with Garibaldi till Venetia was attacked; but that was only a matter of prudence. He was not present at a recent meeting of the friends of the noble Lord at the head of the Government; but he understood that the noble Viscount applauded the success of the foreign policy of his Government, and said it was one title to the confidence of Parliament and the country. The noble Viscount gave as one proof of this, that he was informed General Garibaldi had landed on the territory of the King of Naples. Now, the King of Naples had a Minister at this Court, and was at peace with this country. Was ever such a thing done as for the head of the Govern-

ment to express his approbation of an act of piracy committed against a Sovereign with whom we were at peace? With regard to the sympathy of Her Majesty's Government for General Garibaldi, there could be no doubt of it; and whatever moral support that it was in their power to give, had been given to that expedition. Hon. Members opposite invoked the public law of Europe when it suited them; but when it was against them they did not care a halfpenny for it, and trampled it under foot. Suppose, for example, Garibaldi had turned his eyes upon the Ionian Islands. There was an oppressed nationality that had demanded to be united to Greece. Her Majesty's Government put down the natives of the Ionian Islands by force; and flogged, hanged, and shot them to any extent, rather than admit their claim to say what Government they would belong to. Parliament was told that every country was to decide for itself how it was to be governed. Why, then, did the Government not convene an Assembly in the Ionian Islands to determine how they were to be governed? If Garibaldi went there the Government would say the public law of Europe was violated, and that Garibaldi was a pirate; but when he went to Naples they applauded him. There was a man lately in India somewhat like Garibaldi, though he was not a pirate. He was a brave, patriotic man, called Tantia Topee. He kept the British army at bay, and gave them a vast amount of trouble. He was, however, taken prisoner, and brought to a court-martial on a charge of rebellion against British authority. The Government of India hanged that man. He thought that an atrocious act. He knew it was said he was implicated in some outrages against the Europeans. But he was not charged on his trial with anything except treason and with having resisted the English Government. He died like a patriot. He had fought for his country. He wished to drive the British out of the country, and to preserve India for the Indians. If the King of Naples took General Garibaldi he would have as good a right, nay, a far better right, to hang him than the Government of India had to hang Tantia Topee. It was pretended that the Italian duchies had declared for annexation with Sardinia because they were badly governed. But it was acknowledged that Parma was ruled by a wise and excellent Princess, who governed her subjects well and justly. Parma, however, was treated

like the rest, and therefore the badness of these Governments was proved to be not the cause of the annexation. The Government of Tuscany was a mild Government. It was a Government under which the punishment of death did not exist. It had, however, been overturned by a conspiracy, headed by the Sardinian Minister accredited to that very Court. The Minister of Sardinia at Rome had also conspired against the Papal Government, and it was by his intrigues that the overthrow of the power of the Holy See was attempted in the Legations. Hon. Members ought to blush to talk of the public law of Europe under such circumstances. He believed that the result of these annexations would be the ruin of that Italian freedom of which hon. Members were so fond. He, too, wished to see Italy great, glorious, and prosperous, but he believed that would be best attained by a federal system, which would unite the whole country without injuring the rights of its Sovereigns. That object would, however, certainly not be attained by the utter destruction of the principles on which the peace of Europe rested and upon which society itself was founded. He believed that if the King of Sardinia should succeed in all his schemes of annexation his monarchy would fall to pieces in our own time like a house of cards. He had before said that the annexations going on would be the ruin of the House of Savoy, and he was confirmed in this belief. At the present moment he knew, upon good authority, that the greatest discontent prevailed in the newly-annexed provinces of Sardinia. In Tuscany the people had to be kept down by the Piedmontese troops, and, as for liberty, there was none. The people dared not read written communications, far less speak what they thought. The overthrow of the legitimate Sovereign was brought about by means of the coercion exercised by the secret societies who now held undisputed sway in Italy. He thought it very probable that General Garibaldi would succeed in overthrowing the King of Naples, because the Neapolitans were not a warlike people and could not cope with the band of ferocious filibusters whom Garibaldi commanded. Suppose so much accomplished, what would follow? Garibaldi was pledged to attack the Roman States, but there he would meet the French army. Possibly he would have to abandon that part of his programme; but he could hardly avoid fulfilling his pledge

to attack Venetia. In that enterprise Sardinia would be obliged to join him. The people had been so excited by the dream of nationality—a dream for which torrents of blood had been shed, and which had been a source of misery rather than of happiness to the mass of the people—that dream had been so much encouraged by speeches made by the noble Viscount and his colleagues, that the people were mad on the subject, and Sardinia would be compelled to go against Austria. Whether France would support Sardinia in that attack was a matter of speculation. As the Emperor of France had got what he wanted, and as if France supported Sardinia Germany would support Austria, he thought it likely France would not interfere. He very much doubted whether the Italians by themselves and with an army from which desertion was going on by battalions, would be able to resist the powerful arms of Austria; and if they were defeated, then that would happen which had been hinted at by the *Constitutionnel*, and Italy would be overrun by Austria from Turin to the Southern Neapolitan States. But should France be tempted to back Sardinia then there would be a general European war, in which Great Britain would, in all probability, be involved. For that result, if it arrived, we should have ourselves to thank. It was the natural consequence of a policy which set at nought all principles of right and wrong, and acknowledged that the end justified the means. A universal public profligacy seemed prevalent. No regard was paid to treaties or international law. He hoped hon. Gentlemen would be warned in time, and forbear to give any further encouragement to the revolutionists in Italy. Garibaldi, it was well known, had always been a Republican, and only took up the King of Sardinia because he was a tool fit for his purposes. Garibaldi would probably be seen before long at the head of a Red Republican movement that would throw everything into confusion and necessitate the interference of the Powers. The violent anarchy which the success of the revolutionary cause would produce would be inevitably succeeded by a despotism sterner and more powerful than that against which hon. Members exclaimed.

VISCOUNT PALMERSTON: Sir, I am not going to follow the hon. and learned Gentleman into a discussion of past events in Italy during the year which has just elapsed; neither am I going to enter into

any speculations as to the future. The hon. and learned Gentleman asked, in the beginning of his speech, several questions as to the interpretation of international law, but as he was kind enough to give answers to them himself it is unnecessary that I should go into them. I wish, however, to set him right in regard to a misconception under which he labours as to what was said by me at a meeting which I am sorry he did not honour with his attendance. At that meeting I spoke in terms of the highest praise of the manner in which my noble Friend the Member for the City had conducted the foreign policy of the country. That expression of mine seemed to find an answer in the breasts of almost all who were present on that occasion; but I did not mention as a proof and result of that policy the landing of General Garibaldi in Italy. I stated that as a single fact, remarking that that landing would in all probability bring about events of grave importance, and that it was essential to enable the Government to deal with those events, when they might happen, that they should be known to possess the good will and confidence of those who had hitherto honoured them with support. I certainly did not state the fact as claiming any share in the expedition of General Garibaldi, but simply referred to it as an event pregnant with the most serious consequences, which it would require all the judgment and care of the Government to deal with. With regard to the course which the hon. and learned Gentleman indicated as about to be followed by General Garibaldi, I have to remind him that the King of Naples has an army of 60,000 or 70,000 men, and a fleet very large in comparison with any which General Garibaldi is able to scrape together. Therefore, if General Garibaldi should achieve the success which the hon. and learned Gentleman anticipates, it must be not by the force which he brings to bear against the Government of Naples, but by the assistance of the people of the country. It is quite impossible that the force with which General Garibaldi undertakes the expedition can obtain success unless he is joined by the inhabitants. Whether he will receive that support or not I leave it to the future to disclose.

As to the question of my hon. Friend the Member for Perth (Mr. Kinnaird) it is well known that the Conferences referred to were sought by the Swiss Confederation, and were, more or less, agreed to by

all the other Powers. At the same time various matters have arisen to delay the meeting of the Congress, and at present no period is fixed for its assembling. The Treaty of Turin has not received formal acknowledgment by any of the Powers—certainly not by this country, and cannot, at present, be said to form part of the public law of Europe. The cession of Savoy to France was a very peculiar transaction and does not come within the ordinary category of cessions of territory made by one Sovereign to another. The territory of Savoy was held by the King of Sardinia subject to very peculiar conditions attached to it by the Treaty of Vienna, to which all the eight Powers of Europe were parties. It was not competent for the King of Sardinia to cede, nor, as I hold, for France to accept that territory, thus emancipating it from the conditions under which it stood as part of the dominions of Sardinia. The conditions had mainly for their object the preservation of the neutrality and independence of Switzerland, and it is clear that Savoy, in the hands of France, stands in a very different position in regard to the maintenance of the neutrality of Switzerland than when in the hands of Sardinia. France being a much stronger Power and differently situate in many respects there is greater danger to Switzerland from it than from Sardinia. The cession was objectionable not only on that account but on account of the manner in which it was made. All the circumstances connected with it from first to last, the denials at one time and avowals at another, the promises made, as reported, by the President of Switzerland in his message of March, the promises made in January and February by the French Government to the Minister of Switzerland, that whenever the cession should be completed Faucigny and Chablais should be transferred to Switzerland, a promise afterwards retracted, and apparently never intended to be performed—all these circumstances, I say, must produce a most painful impression in the minds of every man in regard to all the parties who were concerned in the transaction. It had certainly produced a painful impression on the minds of all the other States of Europe—an impression showing that they considered that, for the future, forethought and precaution must be the duty of every Power. I should hope that the result will be that France will consider she is bound, by a regard to her honour and good faith, to close these trans-

actions in a manner consistent with the due and complete security and independence of Switzerland. It is quite true, as my hon. Friend has stated, that the neutrality and independence of Switzerland are for the interests of all Europe. The Swiss are deserving of the sympathy and goodwill of all the Powers, from the manly character and spirited independence which they have always displayed; inoffensive to their neighbours, and ready to defend themselves against all comers. But it was not simply and solely from a regard to the Swiss, that the arrangement was made. It was from a wise and well-considered regard for the general interests of Europe, and the maintenance, as far as possible, of the peace of Europe. I cannot but hope that the French Government will, on account of the engagements to which France was a party, on account of the promises which she held out to Switzerland, and for the sake of the general and future interests of Europe, make some arrangement which will satisfy the just expectations and guarantee the security of the Swiss Confederation. It is not necessary that I should enter further into that branch of the question.

But my hon. and learned Friend, the Member for Bridgwater (Mr. Kinglake), went at some length, not only into that Swiss question, but also into those other questions of great importance—the transactions in Syria and Italy. It is deeply to be lamented that these unfortunate events should have taken place in Syria. My hon. and learned Friend stated facts which have come to his knowledge with regard to whence, and through whom, and from what causes, these disturbances originated. I do not feel it necessary to follow him in those investigations. The duty of Her Majesty's Government is rather to endeavour to prevent the recurrence of these evils, than to scrutinise minutely the sources out of which they arose. We are acting in concert with the Governments of France, Austria, Russia, and Prussia; and I hope that steps will be taken which will be effectual for the purpose we have in view. We believe that the Turkish Government is sincerely desirous of taking every step necessary to punish the guilty, to make an example of the offenders, and to lay the foundation for future tranquillity between those hostile races; and I cannot but believe that if those measures are properly taken, they will accomplish the purpose for which they are intended. Commissioners, of whom Lord Dufferin on our part is one,

will go to Syria, collect information, and suggest such measures as they think best calculated for the future peace and security of the country. The hon. Member for Poole (Mr. Danby Seymour) went a little further east—to Persia. By the bye, he stopped in Egypt on the way, and referred to an answer which I gave last evening as to the power of the Pasha to raise a loan pledged on the Customs' duties of Egypt. The arrangement made in 1840 and 1841 was this—that the Pasha should pay a given amount of tribute to the Sultan, but that the remaining part of the revenue of Egypt should be at his disposal, to be employed by him as he pleased. In one sense the Pasha is limited in his power to mortgage; because the tribute to the Sultan is a prior claim to any engagement which he may make with regard to any part of the revenue. But supposing that the tribute is faithfully and fully paid, then I apprehend the remaining part is for him to spend as he pleases, or to mortgage for the interest of a loan. With regard to the tribute itself, it is well known that it was pledged by the Turkish Government as security for a loan which Turkey raised; but I believe the pledge does not go beyond that tribute.

With regard to Persia, I can assure my hon. Friend that we greatly regretted Sir Henry Rawlinson would not continue in the mission at Teheran; but his retirement was his own act, and in no degree arose from any wish or suggestion of Her Majesty's Government. He was of all men the one who I should say was best qualified to perform successfully the duties of British Minister at that Court; and he succeeded in acquiring the goodwill of the Shah in a manner in which no other British Minister has been able to acquire it. It is, therefore, a great misfortune that he should have felt it his duty to retire; but his retirement, as far as is alleged in his communications to the Government, is founded on the circumstance that that mission is transferred from the Indian Government to the Foreign Office. We thought that, considering our relations with Persia are so mixed up with our relations with Russia, Turkey, and the other Powers of Europe, it was exceedingly inconvenient that communications from Persia should come through the India Office and not direct to the Department which alone has cognizance of our relations with other Powers. With regard to the interference of Russia, there has always been a great

desire to establish in Persia a superior influence to that of any other power, and I believe that some communications, such as my hon. Friend implies, have passed between the two Governments with regard to the expedition of the Shah against the Turcoman territory. But I am bound to say that in our opinion the nature and extent of the expedition which the Shah was about to take was beyond what we thought was for his real interests. It is our opinion, and that of those by whom our judgment is guided, that the expedition proposed is beyond the range at which the Shah can usefully establish a permanent occupation, and that he will do much better to content himself with operations of a more limited character. I may say that our relations with Persia are of a most satisfactory kind. The recollection of former differences has entirely been effaced. There is nothing now but the most cordial understanding, founded on the conviction on the part of the Shah that it is our wish and our policy that Persia should be independent and prosperous.

MR. DARBY GRIFFITH said, he thought the Government had been inactive for two months on the question of Savoy in the early part of the Session, but acquitted them of any further delinquency.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a quarter
after Six o'clock.

HOUSE OF LORDS,

Saturday, August 25, 1860.

MINUTES.] PUBLIC BILLS.—3^a Spirit Duties; Savings Banks and Friendly Societies Investments; Peace Preservation (Ireland) Act, 1856, Amendment; East India Loan; Spirits; Roman Catholic Charities; Consolidated Fund (Appropriation); Exchequer Bonds or Bills (£2,000,000); Militia Pay.

ROMAN CATHOLIC CHARITIES BILL.

THIRD READING.

Bill read 3^a (according to Order).

LORD MONTEAGLE moved an Amendment to the 6th Clause, which provides that the measure shall not affect any existing suit or inchoate rights, extending the proviso to "any Question whether any Use, Trust, Gift, Foundation, or Disposition is or is not superstitious or void."

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The noble Lord said that his reason for proposing this Amendment was, that in every endowed Roman Catholic chapel masses were performed, and masses included prayers for the dead, which were superstitious uses; and, therefore, every endowment of a Roman Catholic chapel would become void, because it was for a superstitious use. Many of the members of the Church of England were in favour of prayers for the dead; and over the tomb of Bishop Butler, the author of the *Analogy of Revealed Religion*, was inscribed, "Pray for the Soul of Bishop Butler." The noble and learned Lord on the woolsack had pledged himself that the Bill would make no change in the position of the Roman Catholics; but they required something more than a mere verbal pledge from a Lord Chancellor, however eminent.

THE LORD CHANCELLOR could only repeat what he had stated last night, that he considered the proposed Amendment wholly unnecessary. He did not rest on his opinion alone that the present Bill could not in the slightest degree affect the question of superstitious uses. Authority equal to his own in the other House had also stated that the Bill could have no such construction or application. Moreover, it had been solemnly determined by the Judicial Committee of the Privy Council, in a judgment pronounced by Sir Herbert Jenner, one of our ablest Judges, that there was no ground for saying that prayers for the dead were to be regarded as superstitious uses. To maintain that the building of a Roman Catholic church or chapel might be construed to be a superstitious use, because prayers for the dead were to be put up there, was absurd and extravagant. It might be said that the proposed Amendment would, at all events, do no harm; but words that were unnecessary were not harmless, because, instead of quieting they excited doubts, and caused, instead of preventing, litigation. The Roman Catholics ought to be satisfied with the Bill as it stood: it had been a subject of great anxiety with the Government.

Amendment negatived.

Bill passed.

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.

COMMONS' AMENDMENTS CONSIDERED.

Commons' Reasons for disagreeing to certain of the Lords' Amendment considered.

Amendments to original Bill *agreed to*.

EARL GRANVILLE moved that their Lordships should not insist upon the Amendments in this Bill to which the House of Commons had objected.

THE EARL OF DESART protested against the manner in which it was attempted to hurry this Bill through Parliament, and expressed a hope that their Lordships would not agree with the Reasons which had been assigned by the House of Commons for disagreeing from the Amendments which the House of Lords had thought fit to introduce into this Bill. The Bill had been carefully considered and amended when nineteen Irish Peers were present in the House, and their Amendments ought not to be abandoned when so few were there to support them.

LORD MONTEAGLE also complained of the Commons having rejected their Lordships' Amendments, which had been unanimously agreed to, and which he trusted would be insisted on.

EARL GRANVILLE said, he could not conceive anything more unfortunate, after the labour which had been bestowed upon this Bill, and the expectations which had been created thereby, that it should now be thrown out, and room left for further agitation. The object of the Bill, in part, was to give power which did not exist under settlement. The whole of the powers under the Bill were given by the Act of 1856, subject to the sanction of the Court of Chancery. The only objection to leaving the matter to the Court of Chancery was, that the expense would render the Act, which the Legislature then thought desirable, almost inoperative.

THE MARQUESS OF NORMANBY thought that their Lordships had some reason to complain of the manner in which they had been treated with respect to several points upon which, almost unanimously, the Irish Members of the House of Lords voted against the noble Earl (Earl Granville).

LORD REDESDALE admitted that it was important the Bill should be passed during the present Session, but urged that the Amendments which their Lordships had introduced into the Bill were many of them of an important character, and should be retained.

Amendments to which the Commons disagree *not insisted on*.

Then it was moved, not to agree to Commons Amendments' to Lords' Amendment.

On Question "Whether to agree to the

said Amendments?" *resolved in the Affirmative*.

Then it was *moved* to insist on Amendment made by the Lords in Page 8, Line 13, to which the Commons disagree.

On Question "Whether to insist upon the said Amendment?" their Lordships' *divided*:—Contents 6; Not Contents 7: Majority 1.

Resolved in the Negative.

Remaining Amendments to which the Commons disagree, *not insisted on*; and a Message sent to the Commons to acquaint them therewith.

"DISSENTIENT :

"1. Because the Amendments to this Bill are proposed for Adoption at the very Close of the Session, setting aside the ordinary Forms of Parliament which direct the printing of such Amendments before they are taken into consideration, and this without adequate Notice being given of their Import and legal Effect, and in the Absence of many of those Peers whose local Knowledge and Experience would entitle them to assist the Judgment of the House.

"2. Because some of the proposed Alterations are absolute Reversals of previous Decisions pronounced by a full House, after due Notice and careful Deliberation, and such last inconsistent Resolutions are pressed forward at a Time when the proposed Enactments cannot possibly be made known in that Part of the Empire to which this Bill exclusively applies, before obtaining the Authority of Law.

"3. Because Legislation so hasty and unconsidered, forced upon the Attention of the House at the closing Days of the Session, renders all Freedom of Discussion impracticable, and withholds the Means of passing a safe and deliberate Judgment.

"4. Because the Force of these Objections is made still more manifest if some of the Changes made in the Bill are considered in detail:—

"In the Bill as it left this House the ordinary Leasing Powers commonly entrusted to Tenants for Life and other Parties, under the Restraints of Settlements, Wills, and other legal Instruments, were extended to a Power of granting Building Terms for 99 Years, whilst by the Bill returned to this House this already extended Leasing Power has been indefinitely prolonged, and now included an Authority to grant Leases for ever.

"In the Bill as it left this House Enactments were contained prescribing that Houses to be hereafter built agreeably to its Provisions should be of a Description to promote the Health, Comfort, and Accommodation of their Inhabitants, and at the same Time to guard against an unjust Sacrifice of the Rights of the Reversioner: From the Bill returned these Provisions have been rejected:

"In the Bill as it left this House, while it was framed so as to promote the Interest and secure the Rights of the Tenant, Security was taken against the Breach of Covenants into which both Parties had voluntarily entered: These Securities have been expunged from the Bill as returned to this House:

"5. Because it is to be apprehended if the

Course of Proceeding which this House is now unfortunately called on to sanction and adopt be drawn into Precedent, it will be found no less inconsistent with the ancient Practice of Parliament than with the Possibility of enacting wise and salutary Laws.

"MONTEAGLE OF BRANDON."

House adjourned at a quarter before
Two o'clock, to Tuesday next,
half-past One o'clock.

HOUSE OF COMMONS,

Saturday, August 25, 1860.

CONDUCT OF ABD-EL-KADER.

QUESTION.

MR. DARBY GRIFFITH said, he rose to put a Question which he had been prevented from putting the previous evening—namely, Whether Abd-el-Kader and a lady, sister of a Druze Chief, had saved many Christians' lives at Damascus at a period when all authority in the Lebanon was paralyzed?

VISCOUNT PALMERSTON: Sir, it is quite true that Abd-el-Kader and a Druze Chief—I do not know that it was a lady—did save the lives of a very considerable number of Christians, and the Government have directed the Consul at that place to convey to Abd-el-Kader their thanks for and acknowledgments of the services which he had rendered to the Christian population.

ADJOURNMENT OF THE HOUSE.—COMMITTEE UPON PUBLIC PETITIONS.

VISCOUNT PALMERSTON: Sir, before proposing that this House at its rising do adjourn until Tuesday next, I take the opportunity of calling the attention of the House and the country to an instance of the diligent devotion of time and labour, and the very important public services rendered by hon. Members of this House, which from their nature do not attract the notice either of the House in general or the public at large. I am referring to the labours of the Committee upon Petitions, a Committee which was established in 1832, and has since then, laboriously and advantageously to the public service, continued to perform the functions devolving upon it. Previous to that time there was no arrangement in regard to the printing of petitions,

and it chiefly depended upon the Motion of the hon. Member who presented a petition whether it should be printed or not. In 1832 a Committee was appointed, and has continuously been appointed since, upon which has devolved the task of examining all the petitions that are presented, and of making from them a selection of those which, from the importance of the matter to which they refer, or the importance of the parties from whom they proceed, they think most deserving of being brought to the special notice of the House, by being printed and made a part of and circulated with the Votes. This Session has been one in which this Committee has had great and peculiar labours to perform. The average number of petitions presented in each year during the five years preceding 1859 was 8,676, and the average aggregate number of signatures to these petitions was 1,074,000. The number of petitions presented in the Session now about to terminate is 24,264, and the House will judge of the additional labour in reading and considering that increased number which has devolved on the Committee. The total number of signatures, although not yet accurately ascertained, is believed to exceed 3,000,000. The Committee have made fifty-four Reports during the course of the Session. The number of petitions presented has been larger this Session than in any year since 1832, excepting the single year of 1843. Then again, as to the number of petitions which have been selected for printing, the average number of the last five years was 910, but this Session 1,587 have been thus selected. The House will perceive from these facts the vast amount of business which this Committee beneficially and gratuitously undertakes to perform, and the extent of the service which they render, not only to this House but to the petitioners, whose desires and suggestions are brought by them in a more distinct manner under the consideration of the House. It is only fair to the Committee that I should mention their names, because, although they are well known to those of this House who take an interest in these subjects, yet they are not known to the public at large. The chairman is Mr. Gregson, the hon. Member for Lancaster, who has been most indefatigable in his attendance. The other Members are Mr. Carter, Mr. Bruce, Mr. Alderman Cubitt, Mr. Davison, Mr. Dillwyn, Mr. Forster (who also takes an active and important share in the private business of the

House), Mr. Gard, Captain Gray, Mr. Hunt, Mr. Miller, Mr. Hastings Russell, Mr. Abel Smith, Mr. Stanley, and Mr. Walter Talbot. I think it is only right that I should take this opportunity of mentioning the amount of labour undertaken and performed by this Committee, and the country will be able to judge from that statement how much business, important and interesting to the public, is performed by Members of the House which forms no part of the debates that take place in this House, and how much service is rendered by hon. Members who have not the satisfaction of knowing that the manner in which they perform public duties will from day to day be brought under the notice of the public. The noble Lord concluded by moving that the House at its rising do adjourn until Tuesday next.

MR. GREGSON said, he begged leave to express his grateful acknowledgments to the noble Lord for the kind notice of the labours of the Public Petitions Committee, over which he (Mr. Gregson) had the honour to preside. His success was entirely owing to the zealous and cordial co-operation of the other Members of that Committee, and to the services of a very efficient clerk (Mr. Bull). To receive the public thanks of the first Minister was a great honour, which the Committee highly appreciated. If he had diligently discharged his duty, he had only imitated the example of the noble Lord, who was in his place at all hours, day and night; and he would further only express a hope that the noble Lord might be permitted to prolong his days to the advantage of the public service and his own satisfaction as the prosperous and popular leader of that House.

PROPOSED FRENCH WORKS ON LAKE LEMAN.—OBSERVATIONS.

MR. BAILLIE COCHRANE said, that an extract from the *Moniteur* had appeared in the leading journals of that morning, which bore in a most remarkable manner upon the discussion which took place in the House on the previous night on Foreign Affairs. The paragraph was to this effect:—

“The *Moniteur* contains a decree ordering the establishment of a port at the city of Thonon, on Lake Lemán, and the improvement of the already existing port of Evian, on the same lake, as works of public utility.”

The remarks on the previous evening of

the noble Lord at the head of the Government with respect to the conduct both of the Emperor of the French and the King of Sardinia in regard to Savoy and Nice, were worthy his distinguished position, and would elicit the sympathy of the whole country. He had understood the noble Lord to say that up to the present time the Treaty of Turin was not acknowledged generally by the Powers of Europe, and that it was not competent for the King of Sardinia to cede, and the Emperor of the French to accept, the neutralized provinces, and he must say that the determined and eloquent manner in which the noble Lord expressed his opinion of that transaction was worthy the character and dignity of this country. He also understood the noble Lord the Secretary of State to state, on a former occasion, that Europe could not quietly look on and see those neutralized provinces taken possession of—

MR. SPEAKER: The hon. Member must confine his remarks to the question he intends to ask, and must not refer to a past debate.

MR. BAILLIE COCHRANE said, he would merely ask the noble Lord whether his attention had been directed to the important notice in the *Moniteur*? If France had actually occupied the neutralized provinces, and, in fact, the whole of one side of the Lake of Geneva, it seemed to him a perfect absurdity after that to talk of a conference with regard to the annexation of Savoy and Nice to France. That annexation was not only *un fait accompli*; there must be permanent occupation when the French Government began to speak of improving harbours in the Lake of Geneva. He wished to know whether the noble Lord had received any official information of such a proceeding on the part of the French Government?

VISCOUNT PALMERSTON: I have only seen what the hon. Gentleman has seen—the statement in the newspapers to which he has referred. I did not state last night that the King of Sardinia was not competent to transfer, or the Emperor of the French to accept the transfer of, Savoy; but I said it was not competent for either or both to make the transfer, if by that transfer the neutralized portion of Savoy was to be free from the conditions imposed on Sardinia by treaty, to which treaty France herself was a party. The Treaty of Turin has not been acknowledged by other Governments, and therefore does not form part of the recognized law of Europe.

I should mention, however, that the French Government has always contended that the completion of the cession, after the Treaty of Turin, depended on two events; one was the vote of the population of the country to be ceded, the other was the sanction of the Legislature of Sardinia. Both of these events have taken place. How the vote of the people of Savoy was obtained it is not for me to say. The sanction of the Chambers at Turin was naturally to be expected, because when the Government had made the cession by a treaty which had been ratified by the two parties, it was not to be supposed that the Chambers at Turin would refuse their sanction.

DEAN OF YORK'S SALARY.

OBSERVATIONS.

MR. CRAUFURD said, he rose to call attention to the correspondence relative to the Deanery of York recently laid upon the Table of the House, and to ask the Secretary of State for the Home Department what course Her Majesty's Government intend to adopt in the matter of the proposed increase of the Salary to that Deanery. From the correspondence before the House it appeared that very early in the history of the question reference had been made to the law officers of the Crown, both of the late and present Governments, as to the powers of the Ecclesiastical Commissioners, and the opinions both of Sir Richard Bethell and Sir FitzRoy Kelly were adverse to the course which the Commission ultimately took with regard to the salary of the Dean of York. The Estates Commissioners had given it as their decision that the salary of the Dean should be £1,000 a year; but at the Board of the Ecclesiastical Commission long and repeated discussions took place on the subject. At length the Board came to a very extraordinary resolution, in which, after stating the salaries of the Deans of Salisbury and Wells, the income of the Dean of York was left blank. Matters were left in this singular position with a view, probably, to a compromise at some future time; but the Estates Commissioners afterwards repeated their recommendation that the salary given to the Dean of York should be £1,000 per annum. Eventually the Report of the Estates Committee was confirmed by a Resolution of the Board, and one would have thought that here the matter would have ended. But a party at the Board were not satisfied, and at the very same

meeting a Motion was made by the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) to appoint a Committee to inquire into the arrangements with regard to the deaneries of cathedral churches. This was agreed to, and was evidently an attempt to upset the Resolution of the Board. The Secretary wrote to the Dean of York, mentioning the appointment of the Committee and expressing a hope on the part of the Commissioners that he would not object to a little further delay in the settlement of the question. The Committee met, and came to a resolution recommending that an application should be made to the Government to take steps to raise the salary of the Dean of York to a level with that of the other Metropolitan Deans. A deputation subsequently waited on the Secretary for the Home Department, and it appeared from a minute of the Board that they had explained to him the views of the Committee, and submitted a scheme by which it was proposed to raise the Dean's salary to £2,000. At a Board meeting held on the 1st of February last the scheme was approved, and transmitted to the Clerk of Her Majesty's Council. It was not till three months after that an answer was obtained, and it was to be observed that during all this time the law officers of the Crown never changed their views, but expressed their entire disapproval of the course that had been taken. The sanction of the Council was ultimately given to the scheme, and thus was consummated this extraordinary proceeding. He thought it was high time that some change took place in the constitution of the Ecclesiastical Commission, leaving to Bishops to deal with matters of discipline, and placing the finances of the Church in the hands of the laity. The whole facts spoke so loudly and so flagrantly of the objectionable nature of the course the Commission had taken in the matter that he did not think it right to allow the Session to close without asking how the Government came to have given it their sanction.

SIR GEORGE LEWIS: The Returns on the table give all the documentary evidence bearing on this question, and if any oral explanation with regard to the proceedings of the Commissioners is further required, it is desirable that that should be afforded by some member of the Commission who is more constantly in the habit of attending the meetings of that body than any member of the Government. I attend-

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ed a meeting of the Ecclesiastical Commission two days ago, when this matter was discussed, and I found that there was some difference of recollection as to the events that had taken place. It will be more convenient, therefore, that I should strictly confine myself to that which has come within my own experience. My share in the matter is extremely limited, and can be easily explained. In the course of last year, and soon after the formation of the present Government, a meeting of the Ecclesiastical Commissioners was held to discuss, as was announced, the question of the stipends of the Deans, and at that meeting the noble Lord at the head of the Government, the President of the Council, and myself as *ex-officio* members of the Board attended. It is now more than a year since the meeting took place, and I cannot undertake to give an accurate account of the debate. But there was a proposition for the augmentation of the stipends of certain Deans, and the debate, according to the best of my recollection, turned almost entirely upon the legal question—upon the power of the Ecclesiastical Commissioners to increase those stipends. The view taken by the members of the Government was that even the letter of the law was extremely doubtful, but that its spirit was clearly adverse to such a power; and that, if the increase of these stipends was contemplated, it was expedient that Parliament should be consulted. That was the line of argument adopted by the three members of the Government who were present. A division then took place; I cannot remember the precise nature of the question, but I presume it was upon the Motion recorded in this Minute. I think the question was carried by a majority of one, and that the three members of the Government voted in the minority. The next point to which I shall advert is the proceedings on the 8th of December last at a meeting which I happened to attend. The report of a previous meeting was read, and certainly I have no recollection of my taking any other part than merely assenting to the reception of the report. I do not remember concurring in it. I remember saying that if there was a recommendation that an application should be made to the Government upon a particular point, that was a resolution to which I should have no objection; but I also remarked that I must be understood as expressing no opinion upon the merits of the application. That is all that can

be inferred from what passed to bear out the assertion that I assented to an increase of the salary. I was subsequently asked to receive the report adopted at the meeting at which I was present. The House will see that if I had assented to the report it would not have been necessary to have had any formal presentation to the Government. A day was appointed, and my noble Friend the President of the Council and myself were present at the Home Office when the report was received. I think the Bishop of London, the Bishop of Oxford, and Mr. Walpole presented it, and stated the grounds upon which they supported its prayer. The Lord President and myself listened to the arguments, but expressed no opinion, merely saying that the subject should receive the consideration of the Government. The House will observe that the chief portion of the report had for its object to recommend legislation upon the question of the stipends of the Deans, and what the Ecclesiastical Commissioners proposed was that a clause should be inserted in the Bill which I introduced and carried through the House this Session. I believe that I afterwards applied to Mr. Chalk, the Secretary of the Commission, to prepare a clause embodying the views of the Commissioners; but after considering that clause I did not think fit to introduce it in the Bill. With regard, therefore, to the first part of the application, the Government did not accede to it. Another part of the report related to the increase of the stipend of the Dean of York to a level with the stipends of the other Metropolitan Deaneries—that is to say, to £2,000 a year. The Commissioners prepared a scheme and sent it to the Council Office. I do not recollect that the scheme passed through the Home Office. Some examination of it took place, and it appears that the opinion of the law officers was taken by the President of the Council. I wish, however, to mention to the House that all schemes of any importance drawn up by the Ecclesiastical Commissioners are transmitted to the Council Office for confirmation by Her Majesty in Council, and that the ordinary course is to ascertain whether they contain anything contrary to law—whether they come within the legal powers of the Commissioners; and in the event of the inquiry being satisfactory in that respect, they are passed, I believe, as a matter of course. It is obvious that if those schemes are not in general passed as a matter of course, the Council Office would

constitute themselves, in point of fact, the Ecclesiastical Commission; that if the Council Office attempted to go into every act of the Commissioners, they would be really taking the Commissioners' power into their own hands. Therefore the practice is to consult the law officers upon any question of law, and if the law is clear they pass the scheme by an Order in Council. That is the course which the Council Office usually adopt with regard to other Government departments. For instance, the Queen in Council is empowered to close burial-grounds upon the recommendation of the Home Secretary. The Secretary of State has certain inspectors. He makes up his mind upon their report whether the burial-grounds ought to be closed or not. He transmits a recommendation to the Council Office on his own responsibility, accompanying this with a draught, and, unless there is something illegal upon the face of the order, it is made an Order in Council. The same course is necessarily adopted as a part of the ordinary routine in the case of the Ecclesiastical Commissioners; and, as I said before, if it were not adopted the Council Office would really divest the Commissioners of their discretionary power, and would assume it themselves. In the present instance the opinion of the law officers was taken. They said that the legal power existed; but they also called attention to the fact that, although it was within the letter of the statute, they thought the spirit of the Statute was against the exercise of such a power. At the time when this subject was under consideration my noble Friend the President of the Council was suffering under a severe domestic affliction. I believe that that circumstance prevented the consideration which the matter would otherwise have received, and that the officers of the department, not knowing that there was anything peculiar in the case, treated it in the ordinary course. That is the explanation I have to give. It was a special case, and ought to have been treated as a special case; and no doubt under ordinary circumstances it would have been so treated. Owing, however, to the unfortunate event to which I have adverted, the question was regarded as coming within the ordinary routine business of the Department. That is the origin of this scheme, so far as its sanction by an Order in Council is concerned. My special attention was not called to the matter until after the Council had given to the scheme the effect

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of law; and it did not then seem desirable that Her Majesty should be advised to rescind the order which had thus passed, even if it were in the power of the Executive Government to do so. So much for the share which the Executive Government have had in this transaction. With regard to the constitution of the Ecclesiastical Commission, and the manner in which its business is conducted, these are questions which may properly exercise the attention of Parliament in a future Session, but I think it is hardly desirable that I should proceed to discuss them on the present occasion. I understood that the object of my hon. Friend was to call attention to this particular case, and he will therefore forgive me if I go no further into the subject. I will only say that if the constitution of the Commission be examined, I think it will be found that there is no great difference between the number of ecclesiastical and of lay Commissioners. The uncertainty and the fluctuating nature of the attendance is a point of more importance. Members who attend on one day do not attend on another day; and if the matter is inquired into I think it will be found that at least as grave objections arise to the Commission on the ground of the fluctuating attendance as on the ground of the supposed preponderance of the ecclesiastical element. In the case of all those large and somewhat loosely constituted bodies the House will observe that, when certain irregularities are discovered in the working of the system, there is a tendency to make the Executive Government more responsible, and to treat them more as a department of the executive. I do not complain of that tendency, but the House must remember that whenever a Bill is introduced for the amendment of the Ecclesiastical Commission objections are raised against centralization, and it is said that all the powers are being brought into a small centre. The Government are mindful of these observations, and do not think it their duty, beyond what is strictly necessary, to interfere with the working of the Ecclesiastical Commission, which is more or less an independent body. I hope that the House will bear in mind that if they impose responsibility upon the Government they must also confer power, and that the bestowal of greater power will be a step in the direction of that centralization to which many hon. Gentlemen object. I mention these facts in order to show that the question is not so clear and decided as

some hon. Members appear to think, but I do not conceive it necessary at present to enlarge further upon the subject.

MR. BROWN WESTHEAD reminded the House that two years previously he proposed to introduce a clause into a Bill before the House that the deanery of York should be raised to £2,000 a year. The Bill was, however, withdrawn; and he was surprised to learn that in the course of this year the Ecclesiastical Commission had raised the salary of the Dean to that amount. His Motion had reference to a future, and not to the present Dean, whose appointment was understood to be made on the understanding that his private fortune enabled him to dispense with any increase. He was glad to see that the Dean himself stood quite clear of any application for an augmentation of his salary. Having, however, examined the question, he was quite satisfied that it was within the power of the Commission to raise the salary of the Dean to £2,000 a year. It had never been reduced by Act of Parliament. Originally it was £2,400, and a share of the revenue of the Chapter, amounting to £700 per annum, in addition, so that the late Dean received upwards of £3,000 a year. The intention of the Act of Parliament was to reduce the incomes of all deaneries then exceeding £2,000 a year to that amount, and to raise the incomes of all deaneries below £1,000 a year to the amount of £1,000. Therefore he did not think it was competent to the Commissioners (regard being had to the 52nd section of the 3 & 4 *Vict.*, c. 113, and to the spirit of the 11th section of the 5 & 6 *Vict.* c. 108) to reduce the income of the Dean of York below £2,000 per annum. As to the Dean himself, he felt it his duty to say that he had acted, not only in this question but in all others, in such a way as to secure the respect and admiration of all the district. He might not be a great man; but he was undoubtedly a good man; and his liberality had gone to this extent, that every farthing of the income given to him had already been expended in and about the cathedral of York. He had subscribed £2,000 for the purpose of enabling the choir to be competently kept up, and had given £1,000 towards the restoration of the chapter house, and £1,000 for the removal of some unsightly buildings in the neighbourhood of the cathedral. He held that the Dean of York, with a magnificent house and in a wealthy county, ought not to have less than £2,000 a year; it would, in fact, be

cruelty to appoint a man with less. He believed that if the matter had been brought before the House of Commons the increase would have been sanctioned at once. He regretted it was not so. He thought the Ecclesiastical Commission had acted in a very unbusinesslike manner; as old Fuller says in his history, "All Church work is slow." But he hoped the House would not visit the faults of the Commission on the Dean, who had acted throughout in the most honourable manner. He felt it due to the Dean of York to say this, who was no political supporter of his, and was never likely to be, but who had secured the respect of all in the neighbourhood of York.

THE MEDWAY—EXTENSION OF CHATHAM DOCKYARD.—QUESTION.

SIR FREDERIC SMITH said, he wished to ask the Secretary to the Admiralty, Whether the projects submitted to the Government in compliance with instructions from the late Lord Melvill, by the late Mr. Rennie, under date of the 27th day of August, 1814, and the 1st day of September, 1821, for the improvement of the navigation of the River Medway and for the extension of Chatham Dockyard, have been under the consideration of the present Board of Admiralty? The plan proposed by Mr. Rennie would have given to the Government 275 acres of floating surface available for the dockyard. At the present time there were only 42 acres of floating surface connected with the whole of the dockyards of this country, while France had upwards of 375 acres. They were about to expend a million and a half to defend Chatham Dockyard, which was at present inferior in size to the dockyard of Portsmouth, and according to the plan of Mr. Rennie, the Government would be able, at an expense of only £600,000, by altering the course of the River Medway, to produce accommodation for 400 sail of ships of the largest class. This dockyard could be admirably fortified, was in an excellent position with respect to the North Sea, and from its inland locality, could not possibly be attacked by a naval force. There appeared to him to be every reason why Mr. Rennie's project or some plan analogous to it should be undertaken and completed as quickly as possible. If Chatham dockyard were duly extended, the dockyards at Woolwich and Deptford might be dispensed with, and a great saving to the public effected.

MR. WHITBREAD said, that in the absence of his noble Friend (Lord Clarence Paget), he had to state that the circumstances of the country had greatly changed since the Report referred to was presented to the Government nearly forty years ago, and it would not be found advisable now to proceed with the plan of Mr. Rennie, which had been very carefully considered by the Admiralty. Among other objections to it in the present day would be the one, that it could not have the benefit of railway accommodation without making a railway to cross the wide part of the Medway, and it would involve the necessity of having the steam outfitting basin a mile higher up the river than that which at present existed. The plan would be attended with very great expense, and would not be serviceable.

EXCISE DUTIES ON PAPER.—HOUSE OF LORDS.—QUESTION.

MR. WHITE said, he rose to ask Her Majesty's Government, Whether its attention has been called to the losses that have been incurred by Persons in the Paper Trade, in consequence of their having relied upon the finality of the Votes of the House of Commons in providing the Ways and Means for the Service of the Crown, and whether any mode could be entertained for compensating the parties in question; and also to ask whether, as a precedent has been established for the revision by the House of Lords of the provision annually made by this House for the Service of the Crown, it would be in future expedient to obtain the concurrence of the House of Lords before any proposal for the remission of Taxation is made to this House?

MR. SPEAKER: If the second part of this notice had been brought to me while in the House, I should have asked the hon. Member whether it was his serious intention to put the question, or whether it was intended in an ironical sense; and if so, I should have informed him that to discuss any matter in that House in an ironical sense is unparliamentary and out of order.

MR. WHITE said, he begged respectfully to state, that the last question was not put in an ironical sense, and more in sorrow than in anger, and under a sincere conviction that such was the state of matters now. And more than that, he would have appealed to the learned Gentleman at the Table (Mr. Erskine May), that in the

next revised edition of his great work on the practice of Parliament, to state whether the conviction commonly entertained by the public out of doors was right or wrong. They believed that owing to the gigantic innovation by the House of Lords trade would be embarrassed, commerce impeded, and divers ill consequences result, if the present or any future Government should presume to bring forward any measure for the remission of taxation, unless they first consulted the House of Lords as to its expediency. And here he should say that he was not going to re-argue the great question, which had been consecrated by the glorious eloquence of the Chancellor of the Exchequer, and rendered illustrious by the constitutional wisdom of the noble Lord the Member for the City of London. But he appeared there to put those questions in sober seriousness, because a large interest had suffered by the course taken by the House of Commons. He much regretted that the constituents whom he represented did not belong to the privileged classes. The paper makers, by the number of petitions presented to the House, showed how much they had been aggrieved. Had they been peers, proctors, or lawyers, he was quite sure that compensation, and ample compensation, for losses would have been awarded to them. The House was aware that, according to constitutional usage, they had a right to believe that a Money Bill which had passed the House of Commons, but was subsequently thrown out by the House of Lords, would have become law; and, on the strength of that belief, they went to vast expense, and hence had suffered great loss from the non-fulfilment of their righteous expectations. Although it was not a very agreeable thing to be addressing a moribund Parliament, where only about a dozen Members were present, he could not help recording his opinion that they must regard for the future as a vulgar error that taxation was co-ordinate with representation. That privilege no longer existed. They were now paying a tax on the sole authority of the House of Lords. The noble Lord the leader of the Opposition in "another place" had proclaimed it as his mission to stem the tide of democracy. He had done more. He had made an encroachment on the privileges of that House which were held in trust for the good of the people. It was really a matter of great public concern to know if measures should be taken in any future Parliament that this interference

with trade resulting from the course of the House of Lords should be voided, and hence it was that he ventured to put the questions with which he should conclude, only adding that he thought this Parliament would be ever memorable in the annals of our country for the cowardly abandonment of its privileges, and the profligate and gigantic expenditure which it had authorized. The hon. Gentleman concluded by putting the Questions.

Mr. EDWIN JAMES must say that he did not concur in the observations of the hon. Gentleman. He was aware that the hon. Gentleman felt strongly on this question, and also that there was on the part of the public a strong and jealous feeling on the subject; but he could not agree that any precedent had been set for the interference of the Lords in taxation, for the privileges of the House of Commons were protected by the Resolutions moved by the noble Lord at the head of the Government, which, though he (Mr. James) did not think they were quite sufficiently demonstrative of the feelings of the House, yet they did record in a dignified way the protest of this House against the encroachment. Then it was only the other evening that the question of privilege was raised in the matter of the Divorce Court, when the House had every reason to be satisfied with the sound, deliberate, and constitutional judgment which the Speaker had pronounced in defence of their privileges. He might also allude to what took place in "another place" last evening, when the Lord Chancellor, referring to that Bill, declared in the most emphatic and dignified language that there was no intention to encroach on the privileges of the Commons. Under these circumstances, he thought his hon. Friend ought to rest satisfied with what the House of Commons had already done.

Sir GEORGE LEWIS:—The House will not expect me even to offer any excuse for not reviving the general subject of the paper duty, and the position of the House of Lords with reference to that question. I shall therefore confine myself as closely as possible to the points upon which the hon. Gentleman has made his interrogatories. As to the statement that there is a defect of legal power for the collection of the present paper duty, I shall only say that, whatever difference there may have been between the two branches of the Legislature respecting the repealing power, the duty is collected now under an Act of

Parliament, which in a former year passed both Houses and received the Royal Assent; and, therefore, as far as the legal question is concerned, there is precisely the same authority for raising the paper duty as for levying and collecting any other branch of the Queen's taxes. No legal difficulty, therefore, can arise on the subject. Then the hon. Gentleman said that this Parliament had distinguished itself by the large votes which it had made to defray expenditure; and his inference seemed to be that it was unreasonable to retain a certain branch of revenue. Now, if the grants for expenditure have been profuse, it seems hardly a logical inference that it is desirable to diminish our means of payment. With regard to the compensation to paper manufacturers which he suggests, the hon. Gentleman will no doubt remember that the measure for the remission of the Customs' duty on paper, which passed this House after being very fully debated, and which was assented to by the other House, for the most part proceeded on the assumption that the Excise duty inflicted scarcely any appreciable loss on the paper trade. If that assumption be correct, and our legislation certainly proceeded upon it, it can hardly be said that the paper manufacturers are able to substantiate any claim for compensation. I am not aware that any such claim has been made upon the Treasury; and no vote having been agreed to by this House for such compensation, the Treasury would be of course unable to recognize a claim of this kind. But I will go further, and say that I am aware of no grounds upon which a claim for compensation can be substantiated. With regard to the second question of the hon. Member, I confess that I agree with the hon. and learned Gentleman (Mr. E. James) that no precedent for a change of system has been established by what has taken place during the Session. I have always understood that those who opposed the Paper Duty Abolition Bill did so on the ground that an extraordinary remedy was necessary to meet an extraordinary evil. I remember hearing a remark made by a person supposed to be favourable to the view of the House of Lords, that though he considered the course taken by the Lords was defensible as medicine, it could not be justified as daily food. That opinion, I believe, represents correctly the view taken by those who approved the act of the House of Lords, and if it be correct, no precedent for a change of system has been esta-

blished. However, if a change of system were likely to ensue, I do not see how it would be possible to resort to any such course as that indicated by the hon. Gentleman.

SIR HENRY WILLOUGHBY said, he thought the House of Commons would be always ready to vindicate their privileges if they were really invaded by the Lords. The moral to be drawn from the existing state of the paper duty question was that the House of Commons should not hastily embark in any extensive reduction of taxation until it was aware of the expenditure which would be required. The only effect of the hasty course adopted was that the revenue had sustained the loss of probably not less than a quarter of a million, which showed that the House had been guilty of great imprudence in repealing this tax.

Motion agreed to.

House at rising to adjourn till *Tuesday*.

House adjourned at half after
Two o'clock till Tuesday.

HOUSE OF LORDS,

Tuesday, August 28, 1860.

MINUTES.] Took the Oath.—The Lord Bishop of Rochester.

Royal Assent.—Consolidated Fund (Appropriation; Exchequer Bonds or Bills (£2,000,000); Refreshment Houses and Wine Licences (Ireland); Fortifications (Provision for Expenses); Customs (No. 2); Stamp Duties (No. 2); Excise Duties; Spirit Duties; Spirits; Industrial Schools Act (1857) Amendment; Crown Debts and Judgments; Defence of the Realm; Weights and Measures (Ireland); County Coroners; Local Government Supplemental (No. 2); Militia Ballot; Chancery Evidence Commission; Coast of Africa, &c. Act Amendment; Offences within Her Majesty's Possessions Abroad; Metropolitan Police Force (Dockyards); Endowed Charities; Naval Discipline; Ecclesiastical Commission, &c.; Law and Equity; Attorneys, Solicitors, Proctors, and Certificated Conveyancers; Party Emblems (Ireland); Debtors and Creditors Act Amendment; Union of Benefices; Gunpowder, &c.; Poor Relief &c. (Ireland); Rifle Volunteer Corps; Court of Chancery; Savings Banks and Friendly Societies Investments; Peace Preservation (Ireland) Act, 1856, Amendment; East India Loan; Roman Catholic Charities; Militia Pay; Church Temporalities (Ireland) Act Amendment; Divorce Court; Trustees, Mortgages, &c.; Tenure and Improvement of Land (Ireland); Mines Regulation and Inspection; Landlord and Tenant (Ireland); Titles to Land (Scotland) Act (1858) Amendment; Tramways (Ireland); Sale of Gas Act Amendment.

Sir George Lewis

PROROGATION OF THE PARLIAMENT. SPEECH OF THE LORDS COMMISSIONERS.

THE PARLIAMENT was this day prorogued by Commission.

The LORDS COMMISSIONERS — namely, The LORD CHANCELLOR (Lord Campbell); The DUKE OF SOMERSET; The LORD CHAMBERLAIN (Viscount Sydney); The LORD STANLEY OF ALDERLEY; and The LORD MONTEAGLE OF BRANDON — being in their robes, and seated on a form placed between the Throne and the Woolsack; and the COMMONS being come with their Speaker, the ROYAL ASSENT was given to several Bills.

Then The LORD CHANCELLOR delivered the Speech of the LORDS COMMISSIONERS as follows:—

“ My Lords, and Gentlemen,

“ WE are commanded by Her Majesty to release you from further Attendance in Parliament, and at the same Time to convey to you Her Majesty's Acknowledgments for the Zeal and Assiduity with which you have applied yourselves to the Performance of your important Duties during the long and laborious Session of Parliament now about to close.

“ HER Majesty commands us to inform you, that Her Relations with Foreign Powers are friendly and satisfactory, and Her Majesty trusts that there is no Danger of any Interruption of the general Peace of Europe. Events of considerable Importance are indeed taking place in Italy, but if no Foreign Powers interfere therein, and if the Italians are left to settle their own Affairs, the Tranquillity of other States will remain undisturbed.

“ THE proposed Conferences on the Subject of the Cession of Savoy and of Nice to France have not yet been held; but Her Majesty confidently trusts that in any Negotiations which may take place full and adequate Arrangements will be made for securing, in Accordance with the Spirit and

Letter of the Treaty of *Vienna* of 1815, the Neutrality and Independence of the *Swiss* Confederation.

"THAT Neutrality and Independence were an object to which all the Powers who were Parties to the Treaties of *Vienna* attached great Importance; and they are no less important now than then, for the general Interests of *Europe*.

"HER Majesty commands us to assure you, that the Atrocities which have been committed upon the Christian population in *Syria* have inspired Her Majesty with the deepest Grief and Indignation. Her Majesty has cheerfully concurred with The Emperor of *Austria*, The Emperor of the *French*, The Prince Regent of *Prussia*, and The Emperor of *Russia*, in entering into an engagement with The Sultan, by which temporary Military Assistance has been afforded to The Sultan for the Purpose of re-establishing Order in that Part of His Dominions.

"WE are commanded by Her Majesty to inform you, that Her Majesty greatly regrets that the pacific Overtures which, by Her Majesty's Directions, Her Envoy in *China* made to the Imperial Government at *Pekin*, did not lead to any satisfactory Result; and it has therefore been necessary that the combined Naval and Military Forces which Her Majesty and Her Ally The Emperor of the *French* had sent to the *China* Seas should advance towards the Northern Provinces of *China*, for the Purpose of supporting the just Demands of the Allied Powers.

"HER Majesty, desirous of giving all possible Weight to Her Diplomatic Action in this Matter, has sent to

China, as Special Ambassador for this Service, the Earl of *Elgin*, who negotiated the Treaty of *Tien-sing*, the full and faithful Execution of which is demanded from The Emperor of *China*."

"Gentlemen of the House of Commons,

"HER Majesty commands us to convey to you Her warm Acknowledgments for the liberal Supplies which you have granted for the Service of the present Year, and for the Provision which you have made for those Defences which are essential for the Security of Her Dockyards and Arsenals.

"My Lords, and Gentlemen,

"HER Majesty commands us to express to you the Gratification and Pride with which She has witnessed the rapid Progress in Military Efficiency which Her Volunteer Forces have already made and which is highly honourable to their Spirit and Patriotism.

"HER Majesty has given Her cordial Assent to the Act for amalgamating Her Local *European* Force in *India* with Her Forces engaged for general Service.

"HER Majesty trusts that the additional Freedom which you have given to Commerce will lead to fresh Development of productive Industry.

"HER Majesty has given Her ready Assent to several Measures of great public Usefulness.

"THE Acts for regulating the Relations between Landlord and Tenant in *Ireland* will, Her Majesty trusts, remove some fertile Causes of Disagreement.

"THE Act for amending the Law which regulates the Discipline of Her Majesty's Navy has established salutary Rules for the Administration of Justice by Courts-martial, and for maintaining good Order in the Naval Service.

"THE Act bearing upon Endowed Charities will give Means for a less expensive Administration of the Property of Charities, and for the speedy and economical Settlement of Disputes affecting such Property, while by another Act Relief has been afforded to Her Majesty's Roman Catholic Subjects with regard to their Charitable Endowments.

"SEVERAL other Acts have been passed for Legal Reform, which must lead to the more satisfactory Administration of Justice.

"HER Majesty has observed with deep Satisfaction the Spirit of Loyalty, of Order, and of Obedience to the Law, which prevails among Her Subjects both in the United Kingdom and in Her Dominions beyond Sea; and Her Majesty has witnessed with heartfelt Pleasure the warm and affectionate Reception given to His Royal Highness The Prince of Wales by Her North American Subjects.

"You will on returning to your several Counties have Duties to perform scarcely less important than those which have occupied you during the Session of Parliament; and Her Majesty fervently prays that the Blessing of Almighty God may attend your Efforts, and guide them to the Attainment of the Objects of Her constant Solicitude, the Welfare and the Happiness of Her People."

Then a Commission for Proroguing the Parliament was read.

After which,

THE LORD CHANCELLOR said :

My Lords and Gentlemen,

By virtue of Her Majesty's Commission, under the Great Seal to us and other Lords directed and now read, we do in Her Majesty's name, and in obedience to Her Commands, prorogue this Parliament to *Tuesday* the *Sixth Day of November* next, to be then here holden; and this Parliament is accordingly prorogued to *Tuesday* the *Sixth Day of November* next.

HOUSE OF COMMONS,

Tuesday, August 28, 1860.

MINUTES.]—NEW WRIT ISSUED.—For Ludlow, v. Colonel the Hon. Percy Egerton Herbert, Chiltern Hundreds.

THE MILITIA AND THE HARVEST.

QUESTION.

MR. BAILLIE COCHRANE said, he would beg to ask the First Lord of the Treasury, Whether Her Majesty's Government will consider the propriety of, as far as possible, not calling out the Militia for the annual training in the various counties until the harvest shall have been well gathered in?

VISCOUNT PALMERSTON said, he certainly hoped there would be a harvest this year, though he feared it might not be a good one. There were only thirteen regiments of Militia not yet trained. The majority of the regiments were called out in April and May, and the remaining thirteen were usually called out in September or October. The precise period for calling out those regiments was fixed by the Lord-lieutenants, according to their notions of what time would be most convenient.

PROROGATION OF THE PARLIAMENT.

Message to attend the LORDS COMMISSIONERS.

The House went, and the ROYAL ASSENT was given to several Bills: And afterwards a Speech of the LORDS COMMISSIONERS was delivered to both Houses by the LORD CHANCELLOR.

Then a Commission for Proroguing the Parliament was read,

After which,

THE LORD CHANCELLOR said :

My Lords and Gentlemen,

By virtue of Her Majesty's Commission, under the Great Seal, to us and other

Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to *Tuesday* the *Sixth* Day of *November* next. to be then here holden ; and this Parliament is accordingly prorogued to *Tuesday* the *Sixth* Day of *November* next.

TABLE OF ALL THE STATUTES

PASSED IN THE SECOND SESSION OF

THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND.

23° & 24° VICT.

PUBLIC GENERAL ACTS.

- I. AN Act to render valid certain Marriages in the Chapel of *Saint Mary in Rydal* in the County of *Westmoreland*.
- II. An Act to apply the Sum of Four hundred and seven thousand six hundred and forty-nine Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty.
- III. An Act to apply the Sum of Four million five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.
- IV. An Act to enable the Commissioners of Her Majesty's Treasury to defray One Moiety of the Expense of the annual Revision of the Valuation of Rateable Property in *Ireland* out of the Consolidated Fund.
- V. An Act to regulate Probate and Administration with respect to certain *Indian* Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act of the Twenty-second and Twenty-third Years of *Victoria*, Chapter Thirty-nine, to *Indian* Bonds.
- VI. An Act to transfer to the Postmaster General Securities entered into with the Commissioners of the Admiralty in relation to the Packet Service.
- VII. An Act to amend the Medical Acts.
- VIII. An Act to amend the Law relating to the unlawful administering of Poison.
- IX. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
- X. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
- XI. An Act to amend the Law relating to Endowed Schools.
- XII. An Act to apply the sum of Eight hundred and fifty thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty.
- XIII. An Act to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps.
- XIV. An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices.
- XV. An Act for granting to Her Majesty certain Duties of Stamps.
- XVI. An Act to make further Provision concerning Mortgages and other Dispositions of Property belonging to Municipal Corporations in *England* and *Ireland*.
- XVII. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.
- XVIII. An Act to amend the Acts relating to Marriages in *England* and *Ireland*, by extending certain Provisions thereof to Persons professing with the Society of Friends called Quakers.
- XIX. An Act to extend the Act to facilitate the Improvement of Landed Property in *Ireland*, and the Acts amending the same, to the Erection of Dwellings for the Labouring Classes in *Ireland*.
- XX. An Act for raising the Sum of Thirteen million two hundred and thirty thousand Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and sixty.
- XXI. An Act to amend the Act for better regulating the Business of Pawnbrokers.
- XXII. An Act to amend the Laws relating to the Customs.
- XXIII. An Act to provide for the Consideration

PUBLIC GENERAL ACTS.

- of an Ordinance which has been laid before Parliament in a Report of the *Oxford University Commissioners*.
- XXIV. An Act to remove Doubt as to the Validity of certain Marriages in Extra-parochial Places.
- XXV. An Act to apply the Sum of Nine million five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.
- XXVI. An Act to remove Doubts as to the Application of "The Common Lodging Houses Acts" to *Ireland*, and to amend the Provisions of the same so far as they relate to *Ireland*.
- XXVII. An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences.
- XXVIII. An Act to repeal the Act of the Seventh Year of King *George the Second*, Chapter Eight, commonly called "*Sir John Barnard's Act*," and the Act of the Tenth Year of King *George the Second*, Chapter Eight.
- XXIX. An Act to amend an Act relative to malicious Injuries to Property.
- XXX. An Act to enable a Majority of Two Thirds of the Ratepayers of any Parish or District, duly assembled, to rate their District in aid of Public Improvements for general Benefit within their District.
- XXXI. An Act to repeal a certain Enactment for restraining the Governor and Company of the Bank of *Ireland* from lending Money on Mortgage.
- XXXII. An Act to abolish the Jurisdiction of the Ecclesiastical Courts in *Ireland* in Cases of Defamation, and in *England and Ireland* in certain Cases of Brawling.
- XXXIII. An Act to amend certain Provisions in the Bankrupt Law of *Scotland*.
- XXXIV. An Act to amend the Law relating to Petitions of Right, to simplify the Proceedings, and to make Provisions for the Costs thereof.
- XXXV. An Act further to amend an Act of the Eighteenth Year of Her present Majesty, to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons and for the Suppression of illicit Distillation in *Ireland*.
- XXXVI. An Act to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs.
- XXXVII. An Act to levy an Assessment in the County of *Inverness* to discharge a Debt on the *Castle Stewart and Nairn Road* in the said County.
- XXXVIII. An Act to further amend the Law of Property.
- XXXIX. An Act for the Construction of a new Harbour, and the Improvement of the existing Harbour, at *Anstruther Easter* in the County of *Fife*.
- XL. An Act to Indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.
- XLI. An Act to make perpetual an Act of the Twenty-first and Twenty-second Years of Her present Majesty, to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.
- XLII. An Act to vest the Management of the *Phoenix Park* in the Commissioners of Public Works in *Ireland*.
- XLIII. An Act for confirming a Scheme of the Charity Commissioners for the Administration of Archbishop *Tenison's Charity* in the Parish of *Saint Martin in the Fields* in the City of *Westminster*.
- XLIV. An Act to confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of *Southampton, Leicester, Epsom, Coventry, Ipswich, Fareham, Wells, Tormoham, Scarborough, Ludlow, Banbury, Boston, Penrith, Barnsley, and Shipley*; and for other Purposes in relation thereto.
- XLV. An Act to extend the Act of the Eighth and Ninth Years of *Victoria*, Chapter Twenty-six, for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in *Scotland*.
- XLVI. An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the *Caledonian and Crinan Canals*.
- XLVII. An Act to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs in *Scotland*.
- XLVIII. An Act to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of *Leith*.
- XLIX. An Act for extinguishing certain Rights of Way through *Colewort Barracks* in the Borough of *Portsmouth*.
- L. An Act to abolish the Annuity Tax in *Edinburgh and Montrose*, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of *North Leith*.
- LI. An Act to provide for an annual Return of Rates, Taxes, Tolls, and Dues levied for local Purposes in *England*.
- LII. An Act to alter and amend "The Metropolitan Building Act (1855)."
- LIII. An Act for the Limitation of Actions and Suits by the Duke of *Cornwall* in relation to Real Property, and for authorizing certain Leases of Possessions of the Duchy.
- LIV. An Act to amend an Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office.
- LV. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.
- LVI. An Act to make further Provision for Improvements in the Harbours of the *Isle of Man*.
- LVII. An Act to authorize an Extension of the Time for Repayment of a Loan made by the *West India Relief Commissioners* to the Island of *Dominica*.
- LVIII. An Act to amend the Act of the Eighteenth and Nineteenth Years of Her Majesty relating to Friendly Societies.
- LIX. An Act to extend the Provisions of the Universities and College Estates Act (1858), and of the Copyhold Acts, and of the Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and Thirteen, and of the Seventeenth and Eighteenth Years of the same Reign, Chapter Eighty-four, so far as the same relate to Universities and Colleges.

PUBLIC GENERAL ACTS.

- LX. An Act to amend the Act for regulating the Queen's Prison.
- LXI. An Act for taking the Census of *England*.
- LXII. An Act for taking the Census of *Ireland*.
- LXIII. An Act to amend the Act of the Twenty-first and Twenty-second Years of *Victoria*, Chapter Forty-nine, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.
- LXIV. An Act to make further Provision for the Expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards.
- LXV. An Act to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service.
- LXVI. An Act to amend the Medical Act (1858).
- LXVII. An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.
- LXVIII. An Act for the better Management and Control of the Highways in *South Wales*.
- LXIX. An Act to enable the Ecclesiastical Commissioners for *England* to apply certain Funds towards the Repairs of the Cathedral or Collegiate Church of *Manchester*.
- LXX. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.
- LXXI. An Act to make Provision as to Stock and Dividends unclaimed in *Ireland*.
- LXXII. An Act to promote and facilitate the Endowment and Augmentation of small Benefices in *Ireland*.
- LXXIII. An Act to continue certain Turnpike Acts in *Great Britain*, and to extend the Provisions of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Thirty-eight.
- LXXIV. An Act to amend the Provisions of the Act for the Regulation of Municipal Corporations in *Ireland*, with respect to the Appointment of Coroners in Boroughs.
- LXXV. An Act to make better Provision for the Custody and Care of Criminal Lunatics.
- LXXVI. An Act to amend the Burial Grounds (*Ireland*) Act (1856).
- LXXVII. An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.
- LXXVIII. An Act to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Act.
- LXXIX. An Act to provide additional Accommodation for the Sheriff Courts in *Scotland*.
- LXXX. An Act to regulate the Levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property in *Scotland*.
- LXXXI. An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.
- LXXXII. An Act to amend the Provisions of "The Common Law Procedure (*Ireland*) Act Amendment (1853)."
- LXXXIII. An Act to explain an Act of the Eighteenth and Nineteenth Years of Her present Majesty enabling Infants, with the Approval of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage.
- LXXXIV. An Act for preventing the Adulteration of Articles of Food or Drink.
- LXXXV. An Act to amend Two Acts of the Seventeenth and Eighteenth Years, and of the Eighteenth Year, of Her present Majesty, relating to the Registration of Births, Deaths, and Marriages in *Scotland*.
- LXXXVI. An Act to make Provision respecting the Marriages of *British* Subjects in the *Ionian Islands*.
- LXXXVII. An Act to remove Doubts as to the Authority of the Senior Member of the Council of the Governor General of *India* in the Absence of the President.
- LXXXVIII. An Act to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in *India*.
- LXXXIX. An Act to extend in certain cases the Provisions of the Superannuation Act, 1859.
- XC. An Act to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes.
- XCI. An Act for removing Doubts respecting the *Craven* Scholarships in the University of *Oxford*, and for enabling the University to retain the Custody of certain Testamentary Documents.
- XCII. An Act to amend the Law relative to the *Scottish* Herring Fisheries.
- XCIII. An Act to amend and further extend the Acts for the Commutation of Tithes in *England* and *Wales*.
- XCIV. An Act to amend the Laws relating to the Militia.
- XCV. An Act to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of entailed Estates in *Scotland*.
- XCVI. An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in *Scotland* to avail themselves of its Provisions for sanitary and other Improvements, without at the same time adopting its Provisions as regards the Establishment and Maintenance of a Police Force.
- XCVII. An Act for amending and making perpetual the Railways Act, *Ireland* (1851).
- XCVIII. An Act for taking the Census in *Scotland*.
- XCIX. An Act to continue the Corrupt Practices Prevention Act (1854).
- C. An Act to repeal so much of the Act of the Twenty-second and Twenty-third *Victoria*, Chapter Twenty-seven, and of certain other Acts, as authorizes the Secretary of State in Council to give Directions for raising *European* Forces for the *Indian* Army of Her Majesty.
- CI. An Act to continue the Poor Law Board.
- CII. An Act to provide for the Management of *East India* Stock, and of the Debts and Obligations of the Government of *India*, at and by the Bank of *England*.
- CIII. An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.
- CIV. An Act to enable the Trustees of the Royal

PUBLIC GENERAL ACTS.

- College of *Saint Patrick at Maynooth* to make Provision for certain necessary Buildings and Repairs.
- CV. An Act to provide for the Management of the General Prison at *Perth*, and for the Administration of Local Prisons in *Scotland*.
- CVI. An Act to amend the Lands Clauses Consolidation Acts (1845) in regard to Sales and Compensation for Land by way of a Rent-charge, Annual Feu Duty or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts.
- CVII. An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences, in *Ireland*.
- CVIII. An Act to amend the Industrial Schools Act, 1857.
- CIX. An Act for defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*, and of creating a Central Arsenal.
- CX. An Act to consolidate the Duties of Customs.
- CXI. An Act for granting to Her Majesty certain Duties of Stamps, and to amend the Laws relating to the Stamp Duties.
- CXII. An Act to make better Provision for acquiring Lands for the Defence of the Realm.
- CXIII. An Act to grant Duties of Excise on Chicory, and on Licences to Dealers in Sweets or Made Wines; also to reduce the Excise Duty on Hops and the Period of Credit allowed for Payment of the Duty on Malt and Hops respectively; to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond; and to amend the Laws relating to the Excise.
- CXIV. An Act to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits.
- CXV. An Act to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments.
- CXVI. An Act to amend the Law relating to the Election, Duties, and Payment of County Coroners.
- CXVII. An Act to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in *Edinburgh*, for the Erection of an Industrial Museum for *Scotland*.
- CXVIII. An Act to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of *Nottingham*, *Sunderland*, *Hastings*, *Reading*, *Chatham*, *Dartmouth*, *Tunbridge Wells*, *Sheerness*, *Sandgate*, *Wilton*, *Bridgnorth*, and *Dorchester*.
- CXIX. An Act to amend the Law relating to Weights and Measures in *Ireland*.
- CXX. An Act to amend the Laws relating to the Ballots for the Militia in *England*, and to suspend the making of Lists and Ballots for the Militia of the United Kingdom.
- CXXI. An Act to amend an Act passed in the Sixth Year of Her Majesty Queen *Victoria*, intituled *An Act to enable Her Majesty to provide for the Government of Her Settlements on the Coast of Africa and in the Falkland Islands*.
- CXXII. An Act to enable the Legislatures of Her Majesty's Possessions abroad to make Enactments similar to the Enactment of the Act Ninth *George* the Fourth, Chapter Thirty-one, Section Eight.
- CXXIII. An Act to amend the Laws relating to the Government of the Navy.
- CXXIV. An Act further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capital Estates in *England*.
- CXXV. An Act for better regulating the Supply of Gas to the Metropolis.
- CXXVI. An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at *Westminster*.
- CXXVII. An Act to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers.
- CXXVIII. An Act to enable the Lord Chancellor and Judges of the Court of Chancery to carry into effect the Recommendations and Suggestions of the Chancery Evidence Commissioners by General Rules and Orders of the Court.
- CXXIX. An Act to grant Excise Duties on *British* Spirits and on Spirits imported from the *Channel Islands*.
- CXXX. An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India*.
- CXXXI. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty, and to appropriate the Supplies granted in this Session of Parliament.
- CXXXII. An Act for raising the Sum of Two million Pounds by Exchequer Bonds or Exchequer Bills for the Service of the Year One thousand eight hundred and sixty.
- CXXXIII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.
- CXXXIV. An Act to amend the Law regarding Roman Catholic Charities.
- CXXXV. An Act for the Employment of the Metropolitan Police Force in Her Majesty's Yards and Military Stations.
- CXXXVI. An Act to amend the Law relating to the Administration of Endowed Charities.
- CXXXVII. An Act to make further Provision with respect to Monies received from Savings Banks and Friendly Societies.
- CXXXVIII. An Act to continue and amend the Peace Preservation (*Ireland*) Act (1856).
- CXXXIX. An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks.
- CXL. An Act for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice.
- CXLI. An Act to amend an Act passed in the

LOCAL AND PERSONAL ACTS.

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| <p>Thirteenth Year of Her Majesty, to restrain Party Processions in <i>Ireland</i>.</p> <p>CXLII. An Act to make better Provision for the Union of contiguous Benefices in Cities, Towns, and Boroughs.</p> <p>CXLIII. An Act to extend certain provisions of the 'Titles to Land (<i>Scotland</i>) Act, 1858, to Titles to Land held by Burgage Tenure; and to amend the said Act.</p> <p>CXLIV. An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.</p> <p>CXLV. An Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills.</p> <p>CXLVI. An Act to amend the Act for regulating Measures used in Sales of Gas.</p> <p>CXLVII. An Act to amend the Seventh and Eighth <i>Victoria</i>, Chapter Seventy.</p> | <p>CXLVIII. An Act to continue the Powers of the Poor Law Commissioners in <i>Ireland</i>.</p> <p>CXLIX. An Act to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery, and Pauper Defendants; and for the more efficient Despatch of Business in the said Court.</p> <p>CL. An Act further to amend certain Acts relating to the Temporalities of the Church in <i>Ireland</i>.</p> <p>CLI. An Act for the Regulation and Inspection of Mines.</p> <p>CLII. An Act to facilitate internal Communication in <i>Ireland</i> by means of Tramroads or Tramways.</p> <p>CLIII. An Act to amend the Law relating to the Tenure and Improvement of Land in <i>Ireland</i>.</p> <p>CLIV. An Act to consolidate and amend the Law of Landlord and Tenant in <i>Ireland</i>.</p> |
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LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

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| <p>i. AN Act to enable the Company of Proprietors of the <i>West Middlesex</i> Waterworks to raise a further Sum of Money; and for other Purposes.</p> <p>ii. An Act for enabling the <i>Blackburn</i> Gaslight Company to raise a further Sum of Money; and for other Purposes.</p> <p>iii. An Act to repeal, alter, amend, and extend some of the Powers and Provisions of "The <i>Silverdale and Newcastle</i> Railway Act, 1859;" to authorize the stopping up, altering, and constructing of certain Roads; and for other Purposes.</p> <p>iv. An Act for supplying with Gas the Township of <i>Droytsden</i> and other Places adjacent thereto in the Parishes of <i>Manchester</i> and <i>Ashton-under-Lyne</i> in the County of <i>Lancaster</i>.</p> <p>v. An Act for more effectually supplying with Gas the Borough of <i>Leicester</i> and the Neighbourhood thereof in the County of <i>Leicester</i>.</p> <p>vi. An Act to enable the <i>Banbridge, Lisburn, and Belfast</i> Railway Company to make Deviations in their authorized Railways; and to enable the <i>Ulster</i> Railway Company to acquire and hold Shares in the Undertaking of the <i>Banbridge, Lisburn, and Belfast</i> Railway Company; and for other Purposes.</p> <p>vii. An Act for better supplying with Water the Township of <i>Belper</i> in the Parish of <i>Duffield</i> in the County of <i>Derby</i>.</p> <p>viii. An Act for more effectually repairing the Road leading from <i>Wem</i> to the Lime Rocks at <i>Bronygarth</i> in the County of <i>Salop</i>, and for making several Lines of Road connected with</p> | <p>the same in the Counties of <i>Salop</i> and <i>Denbigh</i>.</p> <p>ix. An Act to amend the <i>Inverness and Aberdeen Junction</i> Railway Act, 1856; to enable the <i>Inverness and Aberdeen Junction</i> Railway Company to raise further Sums of Money; and for other Purposes.</p> <p>x. An Act to enable the <i>South Devon</i> Railway Company to improve their <i>Plymouth</i> and other Stations; to widen Parts of their Railway; and for other Purposes.</p> <p>xi. An Act to authorize the Construction of a Railway from the <i>Great Western</i> Railway at <i>Chippenham</i> to <i>Calne</i> in <i>Wilts</i>.</p> <p>xii. An Act to empower the Mayor, Aldermen, and Burgesses of the Borough of <i>Liverpool</i> to construct an additional Reservoir and other Works; and for other Purposes.</p> <p>xiii. An Act for better supplying with Water the Borough and Parish of <i>Liskeard</i> in the County of <i>Cornwall</i>; and for other Purposes.</p> <p>xiv. An Act to enable the <i>North London</i> Railway Company to raise an additional Sum of Money; and for other Purposes.</p> <p>xv. An Act for incorporating a Company for the Construction of a Railway from the <i>Newton and Compstall</i> Line of the <i>Manchester, Sheffield, and Lincolnshire</i> Railway at <i>Marple</i> in the County of <i>Chester</i> to <i>New Mills</i> and <i>Hayfield</i> in the County of <i>Derby</i>; and for other Purposes.</p> <p>xvi. An Act for authorizing the Construction of a Railway from <i>Stockport</i> to <i>Woodley</i> in the County of <i>Chester</i>; and for other Purposes.</p> <p>xvii. An Act to enable the <i>Brecon and Merthyr</i></p> |
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LOCAL AND PERSONAL ACTS.

- Tydfil Junction* Railway Company to complete their Communication with *Brecon*; and for other Purposes connected with their Undertaking.
- xviii. An Act for incorporating the *Mirfield Gas-light* Company (Limited), and extending their Powers; and for other Purposes.
- xix. An Act for building a Bridge across the River *Ouse* in the City of *York*, with Approaches thereto, and for raising, lowering, widening, altering, and improving certain Streets or Thoroughfares within the said City; and for other Purposes.
- xx. An Act for consolidating and amending the Acts relating to the *Liskeard and Caradon* Railway Company, for authorizing the Alteration of Portions of their existing Railway, and the Construction of new Works; and for other Purposes.
- xxi. An Act to repeal the Act for amending and improving the Road from *Glossop* to *Marple Bridge* in the County of *Derby*, and the several Branches of Roads leading to and from the same, and to make other Provisions in lieu thereof.
- xxii. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* to provide an additional Cemetery, with Approaches thereto, and to effect certain Arrangements with the Visitors of the *Leicestershire and Rutland Lunatic Asylum*; for amending the Acts relating to the Cemetery, Sewerage, and Waterworks in the said Borough; and for other Purposes.
- xxiii. An Act for more effectually repairing the Road from *Chesterfield* in the County of *Derby* to *Worksop* in the County of *Nottingham*.
- xxiv. An Act to enable the *Bagenalstown and Wexford* Railway Company to make Railways to *Enniscorthy* and to a certain Limestone Quarry at *Ballyellin*, and an Approach Road or Roads to their Station at *Wexford*; and to enable the *Great Southern and Western* Railway Company to subscribe further Sums towards the Undertaking of the Company; and to enable the Company and the Grand Jury of the County of *Wexford* and the Trustees of *Wexford Free Bridge* to make Arrangements in reference to the said Road or Roads; and for other Purposes.
- xxv. An Act to enable the *Shrewsbury and Welchpool* Railway Company to complete and maintain Deviations in the Line and Levels of their Railway, and to complete and maintain the same across certain Roads on a Level, and to raise a further Sum of Money; and for other Purposes.
- xxvi. An Act to continue and amend an Act for erecting a Bridge over the River *Dee* at the *Craigling* in the Parish of *Old Machar* in the County of *Aberdeen* and of *Nigg* in the County of *Kincardine*, and for making a Road from *Cairn Robin* by the said Bridge toward the City of *Aberdeen*.
- xxvii. An Act for granting further Powers to the *Croydon Commercial Gas and Coke* Company.
- xxviii. An Act for draining and improving *Grundy Fen* in the *Isle of Ely* in the County of *Cambridge*; and for maintaining the public Roads therein.
- xxix. An Act for more effectually carrying out the Clearing House System in *Ireland*, and for facilitating legal Proceedings in relation thereto.
- xxx. An Act for the better Supply of *Spalding* with Water.
- xxxi. An Act for the Regulation of the Municipal Corporation of the Borough of *Hedon* in the East Riding of the County of *York*, and for the Improvement of the Borough; and for other Purposes.
- xxxii. An Act for the further Continuance of the *Lower King's Ferry Roads Turnpike Trust*; and for other Purposes.
- xxxiii. An Act to authorize the Commissioners of the *Glasgow Corporation Waterworks* to raise a further Sum of Money.
- xxxiv. An Act for authorizing the Corporation of *Norwich* to enlarge the existing Cattle Market and other Markets in *Norwich*, and to establish and regulate Markets and Fairs and make new Streets in *Norwich*; and for other Purposes.
- xxxv. An Act for making a Railway from the *Cannock Mineral* Railway into *Cannock Chase* in the County of *Stafford*.
- xxxvi. An Act for changing the name of "The *Ambergate, Nottingham, and Boston and Eastern Junction* Railway and Canal Company" to the Name "*The Nottingham and Grantham* Railway and Canal Company," and for reducing and regulating their Capital and borrowing Powers; and for other Purposes.
- xxxvii. An Act to enable the *Edinburgh Railway Station Access* Company to raise additional Capital.
- xxxviii. An Act to incorporate the *Brompton and Gillingham Consumers Waterworks* Company, Limited; to enable them to better supply *Brompton, Gillingham, Chatham, and Rochester* with Water; and for other Purposes.
- xxxix. An Act for granting further Powers to the *Commercial Dock* Company.
- xl. An Act for making a Railway from *Stranorlar* in the County of *Donegal* to the *Londonderry and Enniskillen* Railway near *Strabane* in the County of *Tyrone*; and for other Purposes.
- xli. An Act to provide for the Management, Maintenance, and Repair of the Turnpike Road from *Lincoln Heath* to *Market Deeping*, and other Roads in connexion therewith; and for other Purposes.
- xlii. An Act for relinquishing certain Works authorized by the *North Staffordshire* Railway Branches Act, 1854, and for authorizing Agreements with respect to the *Silverdale and Newcastle* Railway; and for other Purposes.
- xliii. An Act for amending the Acts passed with respect to the Master, Wardens, Searchers, Assistants, and Commonalty of the Company of Cutlers in *Hallamshire* in the County of *York*.
- xliv. An Act for authorizing the *Stockton and Darlington* Railway Company to raise additional Capital; and for other Purposes.
- xlv. An Act to enable the *Great Northern and Western (of Ireland)* Railway Company to make a Deviation in their authorized Railway between *Roscommon* and *Castlereagh*; and for other Purposes.
- xlvi. An Act for altering the Name of "The *Belfast and Ballymena* Railway Company" to the Name of "The *Belfast and Northern Counties* Railway Company;" for increasing their Capital; and for other Purposes.
- xlvii. An Act to enable the *Dublin and Wicklow* Railway Company to extend their Railway to *Enniscorthy* in the County of *Wexford*; to

LOCAL AND PERSONAL ACTS.

- change the Name of the Company; and for other Purposes.
- xlvi. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to effect further Improvements in the said City; and for other Purposes.
- xlix. An Act to amend "The *Great Southern of India* Railway Act, 1858;" and for other Purposes."
- i. An Act to authorize certain Deviations in the *Andover and Redbridge* Railway; and for other Purposes.
- li. An Act for granting further Powers to the *West Somerset* Railway Company.
- lii. An Act to enable the *Midland* Railway Company to contract for the Use of the Undertakings of other Companies in and near *London*.
- liii. An Act for regulating the *East India* Coal Company, Limited, and for making Provisions with regard to the Capital and Shares of the Company; and for other Purposes.
- liv. An Act for making a Railway from *Carrickfergus* to *Larne*; and for other Purposes.
- lv. An Act for better supplying with Water the Parish of *Matlock* in the County of *Derby*.
- lvi. An Act to enable the *Limerick and Ennis* Railway Company to maintain their Railway across certain Roads on a Level; and to enable the Company to purchase certain Lands for the Purposes of their Undertaking; and to amend the Provisions of the Acts relating to the said Company with respect to General Meetings; and for other Purposes.
- lvii. An Act to repeal the Act 10 *George IV.* Chapter 114, relating to the Turnpike Roads from *Hurdlow House* in the County of *Derby* to *Manchester* in the County Palatine of *Lancaster*, and to confer other Powers in lieu thereof.
- lviii. An Act for enabling the *Metropolitan* Railway Company to acquire additional Lands for the Construction of the Railway and for Station Accommodation; for amending the Acts relating to the Railway; and for other Purposes.
- lix. An Act to authorize the Lease of the *Banbridge Junction* Railway to the *Dublin and Belfast Junction* Railway Company; and for other Purposes.
- lx. An Act to enable the *Belfast and County Down* Railway Company to abandon Part of the *Bangor* Branch; to extend the Time for the Completion of the Remainder of such Branch, and of the *Donaghadee* Branch; and for other Purposes.
- lxi. An Act for making a Railway from the *Belfast and County Down* Railway at *Holywood* to *Bangor* in the County of *Down* in *Ireland*.
- lxii. An Act for a Modification of the Lease of the *Dublin and Kingstown* Railway to the *Dublin and Wicklow* Railway Company; and for regulating the Capital of the *Dublin and Kingstown* Railway Company; and for other Purposes.
- lxiii. An Act to enable the *Keith and Dufftown* Railway Company to abandon their authorized Line of Railway, and to make a new Line of Railway instead thereof.
- lxiv. An Act to authorize the Construction of a Railway from the authorized Line of the *London and South-western* *Exeter Extension* Railway to *Chard* in the County of *Somerset*.
- lxv. An Act to confer further Powers with respect to the Construction of Railways at or near *Burton-upon-Trent*; and for other Purposes.
- lxvi. An Act to enable the *Midland* Railway Company to make Railways between *Rowsley* and *Buxton*; to execute other Works; and for other Purposes.
- lxvii. An Act to authorize the *Midland* Railway Company to construct a Station in the Parish of *Saint Pancras, London*, and to effect Arrangements with the *Great Northern* and *North London* Railway Companies and with the *Regent's Canal* Company; and for other Purposes.
- lxviii. An Act for better supplying with Gas and with Water the Township of *Widnes* in the Parish of *Prescot* in the County Palatine of *Lancaster*.
- lxix. An Act for enabling the *Great Western* Railway Company to construct a Railway in the Parishes of *Clifton Maybank* and *Bradford Abbas* in the County of *Dorset* in connexion with the *Wills, Somerset, and Weymouth* Railway; to acquire additional Lands at *Yeovil*; and for other Purposes.
- lxx. An Act for increasing the Capital of the Company of Proprietors of the *Sheffield Waterworks*; for extending the Limits of the *Sheffield Waterworks* Act, 1853, so as to comprise the Parish of *Ecclesfield*; for making further Provisions with respect to the said Company; and for other Purposes.
- lxxi. An Act for changing the Name of the *Sirhowy* Tramroad Company to the Name "*The Sirhowy Railway Company*;" and for authorizing the Company to make new Works, and to maintain and work the *Sirhowy* Line as a Railway, and to raise further Funds; and for regulating their Capital and Borrowing Powers; and for other Purposes.
- lxxii. An Act for making a Railway from the *Ashchurch and Tewkesbury* Branch of the *Midland* Railway at *Ashchurch* in the County of *Gloucester* to *Great Malvern* in the County of *Worcester*; and for other Purposes.
- lxxiii. An Act for authorizing the *East Somerset* Railway Company to abandon the making of their authorized Railway from *Shepton Mallett* to *Wells*, and to make instead thereof another Railway from *Shepton Mallett* to *Wells*; and for other Purposes.
- lxxiv. An Act for authorizing the *Grand Surrey* Docks and Canal Company to make additional Docks and other Works, and to raise further Monies; and for other Purposes.
- lxxv. An Act to incorporate a Company for manufacturing and supplying Gas within the Parishes of *Tornoham* (including the Town of *Torquay*), *Saint Mary Church*, and *Cockington*, in the County of *Devon*; and for other Purposes.
- lxxvi. An Act to enable the *Oxford, Worcester, and Wolverhampton* Railway Company to take on Lease the Undertaking of the *Severn Valley* Railway Company.
- lxxvii. An Act to authorize Arrangements with reference to the Use by the *London and North-western* Railway Company of the Station at *Normanton*, and the Railway between the same and *Goose Hill*; and for other Purposes.
- lxxviii. An Act for supplying *Dartford*, *Crayford*, *Eltham*, and other Places in *Kent* with Water.
- lxxix. An Act to authorize the Transfer to the *London and North-western* Railway Company of Part of the Undertaking of the *Saint Helens*

LOCAL AND PERSONAL ACTS.

- Canal and Railway Company, and for the Increase of the Capital of the *Saint Helens* Company.
- lxxx. An Act for repairing the Roads from *Horsham* to *Steyning*, and from thence to the Top of *Steyning Hill* in the County of *Sussex*, and from the Bottom of *Steyning Hill* to *Slaughter's Corner* in the Parish of *Beeding*; and from thence to *Shoreham Bridge*, in the Parish of *Old Shoreham* in the said County.
- lxxxi. An Act for the Amalgamation of the *Newport*, *Abergavenny*, and *Hereford* and the *Worcester* and *Hereford* Railway Companies with the *Oxford*, *Worcester*, and *Wolverhampton* Railway Company, under the Name of "The *West Midland* Railway Company."
- lxxxii. An Act for making a Railway from the *Oxford*, *Worcester*, and *Wolverhampton* Railway to *Bourton-on-the-Water* in the County of *Gloucester*, and for other Purposes.
- lxxxiii. An Act for making a Railway commencing by a Junction with the *Glasgow* and *South-western* Railway at or near the North or North-east End of the Passenger Station of that Railway at the Town of *Dumfries*, and terminating by a Junction with the *Caledonian* Railway at or near the North End of the *Lockerby* Station on that Line; and for other Purposes.
- lxxxiv. An Act to increase the Capital and amend the Powers of the *Dover* Gaslight Company.
- lxxxv. An Act for authorizing the *London* Hydraulic Power Company, Limited, to acquire Powers under "The Waterworks Clauses Acts, 1847;" and for other Purposes.
- lxxxvi. An Act to amend the Local Act, Fifty-fourth of *George* the Third, Chapter One hundred and three, for making a fair and equal County Rate for the County of *Buckingham*.
- lxxxvii. An Act to grant additional Powers to the *Newry*, *Warrenpoint*, and *Rostrevor* Railway Company.
- lxxxviii. An Act for better defining the Powers and Liabilities of the *Eau Brink* Drainage Commissioners; for making provision for the Repair and Maintenance of the *Eau Brink Bridge*; for simplifying the Mode of levying and collecting Drainage Taxes; for constituting from the Body of Commissioners a new Board, to be called Conservators of the *Ouse* Outfall; and for other Purposes.
- lxxxix. An Act for making a Railway from *Buckley* to *Connah's Quay* in the County of *Flint*; and for other Purposes.
- xc. An Act for making a Railway from *Altrincham* through *Knutsford* to *Northwich* in the County of *Chester*; and for other Purposes.
- xc. i. An Act to change the Name of the *Nuneaton* and *Hinckley* Railway Company; and to enable that Company to extend their Railway from *Hinckley* in the County of *Leicester* to the *Midland* Railway at *Wigston Magna* near *Leicester* in the same County; and for other Purposes.
- xc. ii. An Act for the Alteration at *Yeovil* of the *Salisbury* and *Yeovil* Railway leased to the *London* and *South-western* Railway Company, and of the *Yeovil* and *Durston* Branch of the *Bristol* and *Exeter* Railway; and for the making at *Yeovil* of a Joint Station for the *London* and *South-western* and the *Bristol* and *Exeter* Railway Companies; and for other Purposes.
- xc. iii. An Act to alter and amend the several Acts relating to the *Manchester* Corporation Waterworks; and for other Purposes.
- xciv. An Act for making a Railway from *Stourbridge* in the County of *Worcester* to *Old Hill*, with Branches to *Cradley Park* and *Corngreaves* Ironworks; and for other Purposes.
- xcv. An Act for incorporating the *Wellington* Waterworks Company, and granting Powers to them for better supplying with Water the Town of *Wellington* and Places adjacent thereto in the County of *Salop*, and for other Purposes.
- xcvi. An Act for better supplying with Water the Town and Parish of *Maidstone* in the County of *Kent*, and for other Purposes.
- xcvii. An Act for more completely merging in the Undertaking of the *Caledonian* Railway Company certain Railways known as the *Lesmahagow* Branches; for incorporating the Holders of the *Lesmahagow* Branches Stock, and securing to them a fixed Annuity; and for other Purposes.
- xcviii. An Act for incorporating "The *City of Dublin* Steam Packet Company;" and for authorizing them to raise additional Capital; and for other purposes.
- xcix. An Act for making a Railway from *Letterkenny* to the *Londonderry* and *Enniskillen* Railway in the County of *Donegal*; and for other Purposes.
- c. An Act for making a Railway for the *Great Southern* and *Western* Railway near *Charleville* to the *Limerick* and *Foynes* Railway near *Patrick's Well*, and also a short Line of Railway at *Limerick*, to be called "The *Cork* and *Limerick Direct* Railway; and for other Purposes.
- ci. An Act for enabling the *Oswestry* and *Newtown* Railway Company to raise additional Capital, to lease their Undertaking; and for other Purposes.
- cii. An Act for better supplying with Water the Towns of *Staines*, *Hounslow*, *Ealing*, *Acton*, and *Hanwell*, and the several Parishes and Places adjacent thereto, in the County of *Middlesex*, and for other Purposes.
- ciii. An Act for authorizing the *London* and *South-western* Railway Company to make and maintain a Railway in extension of their *Exeter Extension* Railway, and to connect that Railway with the *Bristol* and *Exeter* Railway; and for authorizing Alterations of the *Saint David's* Station on the *Bristol* and *Exeter* Railway, and the laying down of Rails on the Narrow Gauge on divers Railways, and the working by the *London* and *South-western* Railway Company, over those Narrow Gauge Lines of Railway, from their *Exeter Extension* Railway to *Bideford*; and for other Purposes.
- civ. An Act to carry into effect an Arrangement between the Corporation of the Royal Naval School and Her Majesty's Commissioners of the Patriotic Fund, for the Admission of Pupils into the said School.
- cv. An Act for enabling the *Cardiff* Waterworks Company to construct additional Works, and obtain a further Supply of Water for the Town of *Cardiff* and the surrounding Districts in the County of *Glamorgan*; and for other Purposes.
- cvi. An Act to amend "The *Blyth* Harbour and Dock Act, 1858;" to extend the Time for Completion of Works, and to levy additional Tolls and Rates; and for other Purposes.
- cvi. An Act for continuing the Powers of the Trustees of the *Wexford* Free Bridge; for enabling them to complete that Bridge, and to construct and improve Approaches thereto; and for

- authorizing the Grand Jury of the County of *Wexford* to present additional Sums of Money; and for other Purposes.
- cxviii. An Act for making a Turnpike Road from the *Oswestry* and *Newton* Railway near *Cilgerran* in the County of *Montgomery* over the River *Severn* to *Tregynon* in the same County.
- cxix. An Act to authorize the *London, Brighton, and South Coast* Railway Company to make a Railway from the *London, Brighton, and South Coast* Railway in the Parish of *Croydon* to the *West End of London and Crystal Palace* Railway near *Balham Hill*, all in the County of *Surrey*, with a Branch Railway connected therewith; and for other Purposes.
- cx. An Act for better supplying with Water the Inhabitants of *Consett* and other Districts in the County of *Durham*.
- cxii. An Act for making a Railway from the *London and North-Western* Railway at *Watford* to *Rickmansworth*; and for other Purposes.
- cxiii. An Act to create a further Term in the *Egleston* Roads; to add other Roads to the Trust; to repeal, amend, and extend the Act relating to the said Roads; and for other Purposes.
- cxiiii. An Act for the *Bolton and Saint Helen's* Road in the County Palatine of *Lancaster*.
- cxv. An Act to enable the *Dublin and Drogheda* Railway Company to extend their Railway from *Kells* to *Oldcastle*; and for other Purposes.
- cxvi. An Act to amend and extend the Powers of Management of the Corporation of the *North British* Insurance Company.
- cxvii. An Act to enable the *Morayshire* Railway Company to construct a Railway from *Elgin* to *Rothies*; and for other Purposes.
- cxviii. An Act to enable the *Sovereign* Life Assurance Company to sue and be sued; to alter and amend some of the Provisions of their Deed of Settlement; and to confer further Powers on the Company.
- cxix. An Act for the *Doncaster and Tadcaster* Road in the West Riding of the County of *York*.
- cx. An Act to authorize the Improvement of the Common Muir of *Auchterarder* in the County of *Perth*, and to regulate the Management thereof, and the Application of the Revenues arising therefrom for the Benefit of that Burgh or Town.
- cxxi. An Act to enable the *Symington, Biggar, and Broughton* Railway Company to extend their Railway from *Broughton* to *Peebles*; and for other Purposes.
- cxvii. An Act for enabling the *Portadown, Dungannon, and Omagh Junction* Railway Company to alter the Line of their Extension Railway, and to make a Branch Railway at *Omagh*; for authorizing certain Arrangements with the *Ulster* Railway Company and *Londonderry and Enniskillen* Railway Company; and for other Purposes.
- cxviii. An Act for making a Railway from the *Stockport, Disley, and Whaley Bridge* Railway in the Parish of *Stockport* and County of *Chester* to *Hayfield* in the County of *Derby*; and for other Purposes.
- cxviii. An Act to enable the *London and Blackwall* Railway Company to provide additional Station Accommodation and other Works connected with their Railway; to make a Branch Railway to the *London* Docks; and to enter into Arrangements with certain other Companies; and for other Purposes.
- cxix. An Act to enable the *Salisbury and Yeovil* Railway Company to make a Deviation from their authorized Main Line near *Yeovil*; and for other Purposes connected with their Undertaking.
- cxv. An Act for vesting in a Body of Trustees, to be called "The *Upper Mersey* Dues Trustees," a certain Portion of the *Liverpool* Town and Anchorage Dues; and for other Purposes.
- cxvi. An Act to continue and amend Two Acts, passed in the First and Tenth Years of the Reign of His Majesty King *George the Fourth*, relating to certain Roads and Bridges in the Counties of *Lanark* and *Dumbarton*.
- cxvii. An Act to enable the *Hereford, Hay, and Brecon* Railway Company to relinquish the Junction of their Line with the *Shrewsbury and Hereford* Railway, and in substitution therefore to form a Junction with the *Newport, Abergavenny, and Hereford* Railway.
- cxviii. An Act for making a Railway from *Tenbury* in the County of *Worcester* to the *Severn Valley* Railway near *Bewdley* in the County of *Worcester*.
- cxix. An Act to incorporate a Company for the Improvement of Buildings; and for other Purposes.
- cx. An Act for extending the Time for the Completion of Portions of the *Dorset Central* Railway; for enabling the *Somerset Central* Railway Company to subscribe to the Undertaking; and for other Purposes.
- cxxi. An Act for making a Railway from *Inverness* to *Invergordon*, to be called "The *Inverness and Ross-shire* Railway;" and for other Purposes.
- cxvii. An Act to provide for Alterations in the Appointment of Overseers, Collectors, and other Poor Law Officers in the Township of *Leeds*; for the Incorporation of Overseers for specific Purposes; and for the levying and Collection of Poor Rates in that Township; and for other Purposes.
- cxviii. An Act to enable the *Mid-Wales* Railway Company to make a Deviation in their authorized Railway, and to construct Railways to connect their Railway with the *Hereford, Hay, and Brecon*, and the *Brecon and Merthyr* Junction Railways; and for other Purposes.
- cxviii. An Act to alter, amend, and extend the Powers of the Acts relating to the *Port Carlisle* Dock and Railway, and *Carlisle and Silloth Bay* Railway and Dock Companies; to enable the *Port Carlisle* Dock and Railway Company to raise additional Capital; to enable both or either of the said Companies to run over and use Portions of the Railways of the *Newcastle-upon-Tyne and Carlisle* Railway Company; to compel the *Newcastle-upon-Tyne and Carlisle* Railway Company to afford Facilities and Accommodation upon their Railways to the Traffic of the said Companies; and for other Purposes.
- cxv. An Act to extend the Period limited by "The *Swansea* Harbour Act, 1859," for the Construction and Completion of the Works authorized by "The *Swansea* Harbour Act, 1854."
- cxv. An Act to empower the *Stockport, Disley, and Whaley Bridge* Railway Company to raise additional Money; and for other Purposes connected with their Undertaking.
- cxvii. An Act for amending "The *Abergavenny* Improvement Act, 1854;" for enabling the

LOCAL AND PERSONAL ACTS.

- Commissioners to construct Works, and supply their District with Water and Gas; and for other Purposes.
- ccxxxix. An Act for renewing the Term and for more effectually repairing and maintaining the Road from the *Marchburn*, through *Kelso* in the County of *Roxburgh*, to *Lauder* in the County of *Berwick*, with a Branch from the said Road near *Fansloand* in the County of *Berwick*, through the Village of *Earlston*, to the *Roxburghshire* Turnpike Road.
- ccxl. An Act for making a Branch Railway from the *Oswestry* and *Newtown* Railway at *Llynchlys* to the *Porthywaen* Lime Rocks in the County of *Salop*.
- ccxli. An Act to amalgamate the *Jedburgh* Railway Company with the *North British* Railway Company; and for other Purposes.
- ccxlii. An Act for making a Railway from *Llandrindod* in the County of *Radnor* to *Llandovery* in the County of *Carmarthen*, to be called "The *Central Wales Extension* Railway;" and for other Purposes.
- ccxliii. An Act for making a Railway from the Royal Burgh of *Bervie* or *Inverbervie* in the County of *Kincardine* to the *Montrose* Branch of the *Scottish North-eastern* Railway in the County of *Forfar*, to be called "The *Montrose and Bervie* Railway."
- ccxliv. An Act to extend the *Epping* Railways to *Great Dunmow* in the County of *Essex*.
- ccxlv. An Act to enable the *Caledonian* Railway Company to acquire, make, and maintain certain Branch Railways to *Lanark* and to the *Douglas* Mineral Field, and also to their *Gran-ton* Branch.
- ccxlvi. An Act to enable the *West of Fife* Mineral Railway Company to extend the *Kingseat* Branch of their Railway; and for certain other Purposes.
- ccxlvii. An Act to repeal an Act of the First Year of the Reign of King *William* the Fourth, intituled *An Act for repairing the Road from Wimborne Minster to Blandford Forum in the County of Dorset*, and to make other Provisions in lieu thereof; and for other Purposes.
- ccxlviii. An Act for the Transfer of the remaining Property of the *Hungerford Market* Company and the *Charing Cross Bridge* Company respectively to the *Charing Cross* Railway Company, and for the winding-up of the Affairs and the Dissolution of the *Hungerford Market* Company and the *Charing Cross Bridge* Company respectively; and for other Purposes.
- ccxlix. An Act for enabling the Local Board of Health for the Town and District of *Swansea* to construct and maintain an improved System of Waterworks; and for other Purposes.
- cccl. An Act for making a Railway from the *Chester* and *Holyhead* Railway near *Conway* to *Llanrwst*.
- cccli. An Act to enable the *Mersey* Docks and Harbour Board to erect Floating Bridges and other Works at *Liverpool* and *Woodside*, for improving the Communication between *Liverpool* and *Birkenhead*; and for other Purposes.
- ccclii. An Act for making better Provision for the Maintenance, Regulation, and Improvement of *Watchet* Harbour; and for other Purposes.
- cccliii. An Act to enable the *Wimbledon and Dorking* Railway Company to raise further Capital; and for other Purposes.
- cccliv. An Act for making a Railway from the *Waterford* and *Kilkenny* Railway at *Kilkenny* to the *Great Southern* and *Western* Railway at *Mountrath*; and for other Purposes.
- ccclv. An Act to consolidate into One Act, and to amend, extend, and enlarge the Powers and Provisions of the several Acts for embanking and draining certain Low Lands and Grounds in the Parishes or Townships of *Everton*, *Scaftworth*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham* in the County of *Nottingham*, and to make further and better Provision for such Embankment and Drainage.
- ccclvi. An Act for making a Railway from *Kilrush* to *Kilkee*, and for embanking and reclaiming certain Waste Lands in the Estuary of *Poulnasherry* in the County of *Clare*.
- ccclvii. An Act for authorizing the Construction of a Railway and Docks and other Works on the North Side of *Milford Haven* in the County of *Pembroke*; and for other Purposes.
- ccclviii. An Act for the Extension of the *Waveney Valley* Railway from *Bungay* to *Beccles* in *Suffolk*.
- ccclix. An Act for authorizing the Transfer of the *Epsom* and *Leatherhead* Railway; and for other Purposes.
- ccclx. An Act to confer Powers on the *North British* Railway Company to enlarge their Station at *Edinburgh*, and with respect to the *Carlisle Citadel* Station.
- ccclxi. An Act to enable the *Waterford* and *Limerick* Railway Company to construct a Tramway to the Market Place at *Limerick*, and a Railway with a Pier or Wharf in connection therewith at their Terminus at *Waterford*; to raise additional Capital; and for other Purposes.
- ccclxii. An Act for making Railways for the Purpose of connecting *Ryde* with *Ventnor* and the East Coast of the *Isle of Wight*, and for other Purposes.
- ccclxiii. An Act for making a Railway from *Sudbury*, through *Melford*, to *Clare*.
- ccclxiv. An Act for making a Railway from the *Vale of Clwyd* Railway at *Denbigh* in the County of *Denbigh* to *Corwen* in the County of *Merioneth*, to be called "The *Denbigh, Ruthin, and Corwen* Railway."
- ccclxv. An Act to repeal an Act, intituled *An Act for the Improvement of the Navigation of the River Moy in the Counties of Mayo and Sligo* in Ireland, and to grant other and further Powers for the Improvement of the said Navigation.
- ccclxvi. An Act for making Railways between the *London, Brighton, and South Coast* and *Direct Portsmouth* Railways and *Hayling Ferry*, and for other Purposes.
- ccclxvii. An Act to empower the *Bradford, Wakefield, and Leeds* Railway Company to construct a Railway to *Ossett* in the West Riding of the County of *York*; and for other Purposes.
- ccclxviii. An Act for making an improved Communication between the *Great Northern* Railway and the *Metropolitan* Railway near the *King's Cross* Station, and for authorizing certain Arrangements between the *Great Northern* and *Metropolitan* Railway Companies with reference thereto.

LOCAL AND PERSONAL ACTS.

- clxix. An Act for incorporating and granting other Powers to "The Land Loan and Enfranchisement Company."
- clxx. An Act to alter and amend "The *Scottish Drainage and Improvement Company's Act, 1856.*"
- clxxi. An Act to enable the *London, Brighton, and South Coast Railway Company* to make certain Alterations in their Coast Lines and in the Line of the *West End of London and Crystal Palace Railway*, a new Channel for the River *Arun*, and other Works; and for other Purposes.
- clxxii. An Act for enabling the *Mid-Sussex and Midhurst Junction Railway Company* to deviate a Portion of the authorized Line of the *Mid-Sussex and Midhurst Junction Railway, 1859.*
- clxxiii. An Act for making a Railway from the *Mid-Sussex and Midhurst Junction Railway* to *Petersfield* in the County of *Southampton.*
- clxxiv. An Act for the Transfer of the *Farnborough Extension Railway* to the *London, Chatham, and Dover Railway Company*, and for the Dissolution of the *West End of London and Crystal Palace Railway Company*; and for other Purposes.
- clxxv. An Act for making a Railway from *Llanidloes* in the County of *Montgomery* to *Pencader* in the County of *Curmarthen*; and for other Purposes.
- clxxvi. An Act for consolidating the Acts relating to the Widows Fund of the Royal College of Surgeons of *Edinburgh*, for regulating the future Management of the said Fund; and for other Purposes.
- clxxvii. An Act for enabling the *London, Chatham, and Dover Railway Company* to extend their Railway Communications to the Metropolis; and for other Purposes connected with their Undertaking.
- clxxviii. An Act to enable the *Monkland Railways Company* to make and maintain a Branch Railway to *Shotts Ironworks*, and certain other Branches and Works in the Counties of *Lanark* and *Linlithgow*; and for other Purposes.
- clxxix. An Act for vesting the *Hay Railway* in the *Hereford, Hay, and Brecon Railway Company*, and for dissolving the *Hay Railway Company*, and for other Purposes.
- clxxx. An Act for making a Railway from the *Mid-Sussex Railway* to the *Godalming Branch of the London and South-western Railway at Guildford*, to be called "The *Horsham and Guildford Direct Railway.*"
- clxxxi. An Act to confer upon the Local Board of Health for *Macclesfield* further Powers with reference to the supply of Gas; and for other Purposes.
- clxxxii. An Act to authorize the Lease or Sale of the *Athenry and Tuam Railway* to the *Midland Great Western Railway of Ireland Company*; and for other Purposes.
- clxxxiii. An Act for establishing Railway Communication between *Bedford* and *Cambridge*; and for other Purposes.
- clxxxiv. An Act for confirming, with certain Variations, an Agreement made in the Year 1682 between the Masters of the Bench of the Honourable Society of *Lincoln's Inn* and *Henry Serle Esquire*, and for the future Government and Regulation of *Serle's Court*, now commonly called *New Square, Lincoln's Inn.*
- clxxxv. An Act for authorizing the *London and South-western Railway Company* to alter their *Kingston Bridge Line*; and for authorizing divers Arrangements between them and other Companies; and for other Purposes.
- clxxxvi. An Act for enabling the Local Board of Health for the Borough of *Wigan* to abandon a Portion of their Waterworks, and to construct and maintain other Waterworks; and for other Purposes.
- clxxxvii. An Act for the Creation of Capital Stocks and Debenture Stock of the *London, Chatham, and Dover Railway Company*; and for other Purposes.
- clxxxviii. An Act for making a Railway from *Llangollen* in the County of *Denbigh* to *Corwen* in the County of *Merioneth*; and for other Purposes.
- clxxxix. An Act for providing and constructing Markets, Market Places, and Slaughter-houses, with all necessary Conveniences, within the Parishes of *Burnham* and *Huntspill* in the County of *Somerset*, and for supplying and lighting with Gas the Town or Hamlet of *Highbridge* and the Parishes or Places adjacent, all in the County of *Somerset.*
- cx. An Act for the improving of the Navigation of the River *Fergus*, and the embanking and reclaiming from the Sea of Waste Lands subject to be overflowed by the Tide on the Eastern and Western Sides of the River in the County of *Clare.*
- cxci. An Act for converting Part of the River *Brue* into a Tidal Harbour, for making a Quay or Landing Place at *Burnham* in the County of *Somerset*, for regulating the Access thereto; and for other Purposes.
- cxcii. An Act for making a Railway from the Town of *Aylesbury* to join the *Buckinghamshire Railway* at or near the *Claydon Junction*, to be called "The *Aylesbury and Buckingham Railway*;" and for other Purposes.
- cxciii. An Act to establish at *Smithfield* in the City of *London* a Metropolitan Market for Meat, Poultry, and other Provisions; and for other Purposes connected therewith.
- cxciv. An Act to rectify a Mistake in an Act of the present Session, "for incorporating and granting other Powers to 'The Land Loan and Enfranchisement Company.'"
- cxcv. An Act to authorize the Amalgamation of the *Border Counties Railway Company* with the *North British Railway Company*; and for other Purposes.
- cxcvi. An Act for making a Railway from the *Great Western Railway* to the town of *Faringdon*, to be called "The *Faringdon Railway.*"
- cxcvii. An Act for forming a new Street and Railway to connect the *Metropolitan Railway* with the proposed Meat Market at *Smithfield* in the City of *London*, with a Depot and Store-houses; and for other Purposes.
- cxcviii. An Act to enable the *Hamilton and Strathaven Railway Company* to create Preference Shares; to extend the Time for completing their Line; and for other Purposes.
- cxcix. An Act to extend the Time for the Completion of the *Forest of Dean Central Railway*, and for other Purposes.
- cc. An Act for making a Railway from the *Midland Great Western Railway of Ireland* to the *Limerick and Ennis Junction Railway*; to be called "The *Athenry and Ennis Junction Railway*;" and for other Purposes.

PRIVATE ACTS.

- cc. An Act for more effectually making, maintaining, and keeping in repair the Highways, Roads, and Bridges within the County of *Caitness*; and for other Purposes.
- ccii. An Act to revive some of the Powers of "The *Galway* Harbour and Port Act, 1853,"

and to confer additional Powers on the *Galway* Harbour Commissioners; and for other Purposes.

cciii. An Act to incorporate a Company for making Railways in the West Part of the County of *Corke*; and for other Purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. **A**N Act for the Sale of certain Estates at *Gibraltar* held on the Trusts of the Will of *John Maria Boschetti* deceased, and for the Investment of the Proceeds thereof in this Country.
2. An Act to incorporate the Governors of the Hospital in *Edinburgh* founded by *Daniel Stewart*, and to amend and explain his Trust Settlement.
3. An Act for the better leasing of the *Walworth* Manor Estate in the Parish of *Newington* in the County of *Surrey* to the respective Trustees of the Wills of *Samuel Brandon* deceased and *Thomas Brandon* deceased, and for Exchanges and a Partition, and other Purposes.
4. An Act for the Sale of the Settled Estates in the Counties of *Sligo* and *Galway* of *John Lord De Freyne*, and for the Purchase of Estates in the County of *Roscommon*, to be limited to the Uses of those Settled Estates.
5. An Act to enable the Trustees of Lord *Beauchamp's* Charity to Purchase the Right of Nomination to the Chapelry of *Newland* in the County of *Worcester*, and to vest in them the Site of the Church or Chapel of *Newland*.
6. An Act for granting further Power to lease for Building and Improving Purposes certain Parts of the Estates situate in the County of *Dublin* of Sir *Charles Compton William Domville* Baronet, and to accept Surrenders of Leases of such Portions of the said Estates, and for other Purposes.
7. An Act to vary or extend certain borrowing Powers contained in the Settlement of the Duke of *Norfolk's* Estates, and for other Purposes.
8. An Act for amending the Powers of Leasing contained in the Will of the Right Honourable *Edward Michael* late Earl of *Longford* and Baron *Silchester* deceased, and for other Purposes.
9. An Act for authorizing the raising of Money for Payment of Incumbrances on the Estates in the Counties of *Roscommon* and *Sligo* and *Queen's County* of which the Right Honourable *Robert Viscount Lorton* is Tenant for Life in Possession, by Mortgage instead of Sale.

PRIVATE ACT,

NOT PRINTED.

10. **A**N Act for naturalizing *Charles Maria Joseph Livy Anthony James Joachim Levingstone Bandini Giustiniani*, *Caroline Maria Elena Gioacchina Bandini Giustiniani*, and *Elena Maria Concetta Isabella Gioacchina Guiseppa Bandini Giustiniani*, the infant Children of *Sigismund Nicholas Venantius Gaetano*

Francis Bandini Giustiniani Esquire, commonly called Viscount *Kynnaid* Marquess *Bandini* in the Roman States, the only Son and Heir Apparent of *Maria Cecilia Agatha Anna Josepha Laurentia Donata Melchiora Balihassara Gaspara* Countess of *Newburgh*.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE SECOND SESSION OF

THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM,

23° & 24° VICTORIA,

1860.

EXPLANATION OF THE ABBREVIATIONS.

1R, 2R, 3R. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negated.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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- 159] *cl.* 2, Amend. (Sir F. Goldsmid), 831, [*r. p.*, A. 14, N. 66, M. 52] 832; 2nd Div. [A. 16, N. 50, M. 34] *ib.*; 3rd Div. [A. 9, N. 47, M. 38] *ib.*; 4th Div. [A. 9, N. 47, M. 38] 834; 5th Div. [A. 7, N. 46, M. 39] *ib.*;
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160] *cl.* 5, 829; *cl.* neg. 840; *cl.* Amended, 843;
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ERRATA.

In Lord Denman's Speech on Refreshment and Wine Licences Bill, (page 221, vol. 159), *for*, "He had been at a public dinner himself last year, where there were thirteen dozens of one sort of French wine consumed, and only one class of beer," *read* "one glass of beer."

Page 636, vol. 160, line 17 from bottom, *for*, "That a sum not exceeding £37,997," *read*, "That a sum not exceeding £7,997."

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